J. PITCHER SPOONER, PHOTO.

Charles M. Weber

Stockton, July 4, 1880.

A HISTORY

OF

STOCKTON

FROM ITS ORGANIZATION UP TO THE PRESENT TIME

INCLUDING

A SKETCH OF SAN JOAQUIN COUNTY

COMPRISING A HISTORY OF THE GOVERNMENT, POLITICS, STATE OF SOCIETY, RELIGION, FIRE DEPARTMENT, COMMERCE, SECRET SOCIETIES, ART, SCIENCE, MANUFACTURES, AGRICUTURE AND MISCELLANEOUS EVENTS WITHIN THE PAST THIRTY YEARS.

ILLUSTRATED WITH PORTRAITS & FAMILIAR WOODCUTS

BY GEORGE H. TINKHAM.

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PREFACE.

"Westward the Star of Empire takes its way;
The four first acts already past,
The fifth shall close the drama with the day;
Time's noblest offering is the last."

We who have been raised from childhood in California cannot realize this fact, for we have known no other home; but those who have come from other parts of the country can realize it. Forty years ago the "Star of Empire" took its way, borne onward by the brave pioneers, and marching westward, they halted only when they heard the waves of the ocean beating upon the Pacific shore. They have made the wilderness blossom like the rose, and the desert bring forth the fruits of the earth, and of their achievements I now write, that their works may be known and honored. In preparing this history of Stockton and San Joaquin county, the author, through many months of research and thought, has been led onward by three stars. The first bestows her gifts sparingly upon the poor, but bounteously upon the rich; the second places her crown upon all who are successful; the third burns brightly in the heart of every patriot.

Let none presume that in this work I have given a complete history, for the half can never be told, for it lies in the shades of life's unseen, forgotten past, and there are many facts which have been omitted for want of space.

The history is taken up by topics, and each subject is complete in itself, under the headings of Population, Courts, Schools, Religion, Societies, etc. In each division there are single examples of many which have taken place,

and their perusal will, in many instances, bring the smile to the faces of the pioneers.

These facts have been obtained from many sources, including court, church, school, city and individual records, and from papers, books and personal correspondence, and private conversation with pioneers of veracity and good memories, together with my own personal experience of twenty-six years in Stockton.

The work has been in preparation for two years or more, because the low state of finances compelled me to do all of my own labor; but it is all for the best, as errors are fewer than they would have been in a work completed in a short time. There are, doubtless, some mistakes, but they are few in number, for such parts as were not the subjects of record have been corrected by gentlemen equal to the task. I am under obligation to Mr. S. D. Waterman for a revision of the manuscript pages, and to a large number of pioneers for information received, among whom are Captain C. M. Weber, Gilbert B. Claiborne, E. S. Holden, Dr. R. K. Reid, B. Howard Brown, Dr. Geo. A. Shurtleff, my father, and many others.

Trusting that the work will be satisfactory to friends and strangers, I remain,

Yours truly,

GEO. H. TINKHAM.

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A HISTORY OF STOCKTON.

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We are about to record the history of a city around which linger no hallowed associations of ancestral days—no memorable events of battle and bloodshed; but the history of a city that has had a steady and permanent growth, from the trading post of thirty years ago containing a few hundred inhabitants, to the city of to-day containing a population of fifteen thousand. Founded on account of the discovery of gold, and sustained by the prosperity of the agricultural enterprises in the immediate vicinity, it promises to be a city of no mean pretentions in the near future, and eventually to be the interior metropolis of the Pacific coast.

Stockton, the county seat of San Joaquin county, and the principal city in the northern portion of the great San Joaquin valley, is situated at the head of Stockton slough, and near its junction with the San Joaquin river. The city is laid out in blocks of 300 feet square, and it embraces an area of four square miles. The city was surveyed in 1848, under the direction of Captain Weber and Major R. P. Hammond. The streets were laid out at right angles with each other, those running north and south being 80 feet wide, and those running east and west being 60 feet wide. Many of the streets are graded and graveled. The gravel for this purpose is found in large quantities in the Sierra Nevada and Coast Range mountains. Some of the streets were macadamized, but the material for this kind of

work is costly, and does not answer the purpose nearly as well as good coarse gravel. The streets, in the resident portion of the city are lined with beautiful elm and locust trees. The buildings in the business portion of the town are large and well built, while there are many private residences, costing from $8,000 to $30,000. These, and in fact almost every residence owned by the occupant, are surrounded by neat garden spots of plants and trees. Many of these are gardens of great value and beauty, and are filled with choice plants of almost every known variety, and during the Spring and Summer months the air is laden with the breath of flowers.

In California the names of many of the towns, rivers, cities and mountains are of Spanish origin. Stockton, being christened after it came into the possession of a civilized race, has a name of English origin. When the settlement was first started, it was called and known everywhere as Weber's settlement, or as French Camp, the latter name being best known. Captain Weber and his partner were undecided about the name which the new settlement should have. New Albany was the choice of the partner, because of his birth in Albany, New York. Captain Weber, having a practical view of the locality, preferred either Tuleburg, by which it was known previous to receiving its present name, or Castoria, his "fancy name" as he expresses it. Tuleburg was at that time a very appropriate name, as the *tules* grew very thick and high on the low and swampy soil of the overflowed land, along the banks of the numerous sloughs. Castoria is a Spanish name, meaning in English "beaver settlement." The name is musical in sound and was also an appropriate name for this locality; for at that time beaver were found here in large numbers.[1] A circumstance which occurred during the Mexican war gave to Stockton its present name. Captain Weber, having been taken prisoner by Castro on his retreat towards Mexico, was carried near to the Rio Grande river and there liberated. Making his way back to Los Angeles, he met

[1] See appendix.

for the first time, Commodore Robert F. Stockton, a man proud, dignified, and egotistical. Sympathizing with Captain Weber in his misfortune in having been made prisoner and left on the desert, and learning of the desires of the young pioneers to assist in building up the state, he promised to do very many things for them as soon as he returned to Washington. Among other things, he promised to send them a government steamer for their own use. Highly elated with hope and with a strong feeling of friendship for the great and influential man, as they supposed him to be, who had promised to do so much for them, Captain Weber resolved that his life work should bear the name of Stockton. It was first legally known as the city of Stockton in a petition to the Court of Sessions, July 23, 1850. Experience and age are severe teachers, and they have taught in this case that the boastings of men are but the vain things of life; for the aid promised by Commodore Stockton never came. Captain Weber now regrets that he did not adopt the name Castoria.

The society in Stockton is peculiar to itself, not, perhaps, unlike the society of many other California cities, but far different in many particulars from the society of the East. Early experience taught the people to be wary of strangers, unless known and recommended by some personal friend. Socially the citizens meet on nearly the same plane; the senator or man of wealth enjoys the same amusements as the mechanic and tradesman. Art and science have their lovers, and the drama, concert and lecture are well patronized. Every family has its daily paper, and the best magazines are found on many tables. Music is a common art, and the compositions of the masters are not unknown in many households. Disturbances seldom occur, and the Sabbath is respected by all of the better classes of citizens. The home is sacred, and many of the most highly cultured families are those of the pioneers, many of whom have sons and daughters who are married and settled in life.

The religious element predominates. It exerts its influence to such an extent that Stockton has been styled "The

City of Churches." Nine different denominations are represented by fourteen church edifices. There are five Methodist churches, including two German and one colored. The Presbyterians, Baptists, Episcopalians, Congregationalists, Catholics, Christians, and Latter Day Saints have each one church. Besides these there is a colored Baptist church and the Jewish Congregation Ryhim Ahoovim. These churches have a seating capacity of more than 6,000. The buildings are most of them of brick, and ornaments to the city. The Catholic church is an immense unfinished structure, seating 2,500 people, and will be, when finished, one of the finest cathedrals in the state. The various pulpits are represented by men of good talents, and the audiences are fair in point of numbers.

Societies of the various orders in the United States exist. Masonry is represented by five different branches, with a large and wealthy membership. The Odd Fellows are organized in four separate branches, and own one of the most beautiful buildings in the city. The membership of the order is large and composed of the best men in the city. The Knights of Pythias and the Red Men, although comparatively new orders, are established here on a sound basis and are sustained by a large and influential membership. We will not speak more about these orders, as they, with others of the same character, will be found in full in a separate chapter. Suffice it to say that the various temperance organizations, the Turn Verein, the Druids, the United Order of Workmen and the Hibernians are all represented, and they exert a great power for good in the community. The poor of the city are cared for by a benevolent society, that has, during its existence, assisted many a family to the necessaries of life.

The public schools are the pride of the city, and they are as good as any in the state. They are graded from the sixth or primary grade through six grades to the High School. The High School course occupies three years. By a wise provision of the Board of Education, the instruction in the primary grades is entrusted only to teachers of

experience. In the High School the instruction in the higher branches is given by teachers thoroughly qualified, who have had long and successful experience, and the young man or woman is graduated with an education sufficient for all the wants of practical life.

The population at present is estimated at 15,000, and is steadily increasing by immigration from the Eastern states and by people from the mountain towns. As the new population from the East increases year by year, the customs and habits of society are gradually disappearing, and before many years the extravagant and reckless, free-hearted Californian customs of early days will be of the past. The following extract from an Eastern paper of 1878 contains many facts about the average Californian of the present:

"Californians are proverbially extravagant, whether male or female. They seem to care little or nothing for money, other than supplying their immediate needs. This extravagance is one of the evils of the early flush times. A man of bibulous propensities who has only four bits in his pocket, and does not know (and, parenthetically, I might say, does not care) where the next half dollar is coming from, will invite a party up to the bar and spend it all for one round of drinks. Women never think of asking the tradesman to take off anything in the price of the article they are purchasing, but pay just what he asks for the article. Thousands and thousands of dollars are squandered by the extravagant habits of the people here. They pay just what is asked and spend as they go, without regard for the morrow. Whatever they want they buy, regardless of the cost, and not stopping to ask whether they can afford it or not. In living and in dressing these extravagant habits are manifest. If the fashionables of Nob hill in this city wear five hundred dollar dresses on the streets, the woman in the humbler walks of social life feels herself as amply able to put the month's earnings of her husband on her back, and she does not begrudge it either. And so with the men. The best of everything they want they must have and will have, if it takes the last piece of coin. There

are thousands of dollars which Californians are swindled out of in the making of change. The difficulty here in making exact change, owing to the kind of currency in use, produces one of the grossest impositions I ever saw practiced. You cannot buy an article but what you are bound to be swindled. Californians, however, never complain or think anything about it, and the rich and poor are alike in this respect."

CHAPTER II.

The term "slough," as applied to a stream, is provincially a California expression, but no term in the language has a more appropriate signification, for of all other "miry places," none are equal to a California slough.[2] Sloughs are but the outlets of overflowing rivers, and are dry for eight months of the year. When the rivers are swollen by melting snow, or by heavy Winter rains, the sloughs become living streams, at times rushing on with roaring seething swiftness. But when the high waters of the rivers subside, the waters of the slough, except near their outlets, become stagnant, and in a few weeks their beds become dry and hard. It is these sloughs and near them, and in swampy places in general, that the *tules* spoken of in this work, grow so abundantly. Time was, says the geologist, when this state was a deep inland sea; and the mighty earthquakes of nature parting asunder the mountain formed the Golden Gate, through which the waters of this inland sea rushed to mingle with the broad Pacific. Then arose as it were in a day the grand Sierra Nevadas, that have ever since been collecting the snows of Winter, and in the warm sunshine of Spring sending their waters with rich sediment down into the valley rivers and sloughs. Stockton has been named in terms, perhaps not as complimentary as the origi-

[2] See appendix.

nal, "The City of Sloughs." A description of these sloughs is necessary that the general reader may have a better idea of the appearance of Stockton in 1849, and may be the better able to trace the improvements that have been made during the thirty years since. Of the many rivers of the state, four flow across San Joaquin county. One of these, the Calaveras, is supposed by many persons to have formed a delta, where Stockton now stands, the branches of this delta being Lindsay, Mormon, and Fremont sloughs. The Calaveras in high water ever changing, and ever wasting its banks has, ere man reached its waters, again changed its course, and these three channels are living streams only when the river overflows its banks. Mormon slough also in some early period washed over its banks, forming a branch called Stockton slough. This channel is now entirely filled in about the deep water mark. As the soil is soft the branches of the large streams cut branches in every direction, until the vicinity must have been a network of water courses; and to-day, in every portion of the city, traces of these water courses may be seen, but they are becoming indistinct as streets are improved and houses built and the low places filled in. Lindsay and Fremont channels both empty into the Stockton slough, the latter being an arm of the San Joaquin river, three miles long. It is 300 feet wide, and of sufficient depth to float vessels of 600 tons at all seasons of the year. The tide ebbs and flows, affecting alike all the streams. By the wise provision of nature, no stagnant water is found. As a harbor, in point of capacity "Stockton has advantages over Sacramento, inasmuch as into the slough near its bend empty three other sloughs, in all of which, during all seasons of the year, there is great depth and breadth of water. It is no exaggeration to say that 100 steamers can lie within the heart of the city in perfect safety." The directory published in 1852 says:

"The Stockton slough and the San Joaquin river contain an abundance of every description of fish. There are salmon, trout, sturgeon, and an infinite variety of the

smaller kinds to the heart's content. We have seen children stand on the city wharves and fill their baskets with small fish in the course of an hour, amid the busy hum of commerce. The salmon has a delicious flavor, and the trout is as delicate as an Apicius might desire."

Mormon channel is in the southern portion of the city, and empties into the Stockton channel just below the city. This stream is also navigable for vessels of large tonnage. These bodies of water have been of inestimable value to the commercial interests of Stockton, and to-day thousands of tons of wheat are being floated over their waters.

When General Riley became Governor of California, the territory was divided into four districts. The district of San Joaquin included all of the great valley from the Sacramento district south. From this district were elected the delegates to the convention which met at Monterey on the 1st of September, 1849. On the 18th of February, 1850, the Legislature divided the territory into counties, and San Joaquin county was bounded as follows: "Beginning at the junction of the San Joaquin and Mokelumne rivers, following up the middle of said Mokelumne river to the mouth of Dry creek; thence up Dry creek to the corner of Sacramento county; thence south to a point one mile north of Lemon's ranch; thence south to a point one mile north of Knight's Ferry, on the Stanislaus river; thence down the middle of the Stanislaus river to its confluence with the San Joaquin; thence due southwest to the summit of the Coast Range; thence northwest, following the summit of the Coast Range, to the southern boundary of Contra Costa county; thence north, following the boundary of Contra Costa county, to the San Joaquin river; thence, following the middle of the river, to the place of starting." A portion of the county known as Knight's Ferry district was made a part of Stanislaus county in February, 1860, leaving the county as it is at present.

In the Winter of 1857 an effort was made and a bill was introduced into the Legislature, for the formation of a new

county, to be known as Mokelumne county. This county was to be formed by taking a part of Sacramento county, with parts of Amador, Calaveras and San Joaquin. No particular benefit could have been derived from the change, as the counties were heavily in debt, the population was small, and the current expenses at each county seat were very heavy. It was the time of great desire for office, and the projectors of the movement were those who, failing to reach official dignity in their respective counties, sought that honor in the formation of a new county seat. The leader of this enterprise was Mr. J. H. Woods, the founder of Woodbridge, who with characteristic shrewdness saw in this enterprise a fine opportunity to locate the county seat at Woodbridge, and thus to make it a formidable rival of Stockton. When the object of the bill became known throughout the counties, it caused considerable excitement and disapproval among all classes. In Stockton large mass meetings were held, resolutions were passed and committees were appointed to oppose the passage of the bill in the Legislature. The opponents of the measure were too strong, and on a final vote the bill was defeated, and Mr. J. H. Woods and his would-be officials were obliged to yield to the force of circumstances.

The soil of the country is so varied that a perfect description of it can not be made; yet some general features in regard to it may be mentioned. The swamp and overflowed land is a peat; the section lying adjacent to the foot hills on either side of the valley is a clay soil; and along the streams the soil is a sediment deposited by the high water. This soil is very productive. The soil at the south of Dry creek is clay. The Mokelumne river divides a sandy loam from a clay soil. The *adobe* land of the county is chiefly south of Calaveras, and north of French Camp slough. Some of this soil may however be found at the north and south of these streams. South of French Camp slough the sandy soil of the county is found. On the west side of the San Joaquin river, the soil lying between the peat and the foothills is adobe. The pro-

ductiveness of the soil is not excelled anywhere. This fact will be shown fully under the head of Agriculture. In early days grass, clover, filiree and oats grew in a thick matted mass, three or four feet high, and in some localities on the Calaveras they are said to have grown higher than the head of a man on horseback. This grass was the hiding place of rabbits, squirrels, quail and other small game, which at the present time are the pests of the farmer and his wheat fields. By the long continued heat of Summer this grass became very dry, and the Indians setting fire to it would drive out the game, and thus obtain a supply for their Winter's food. At times these fires would spread for miles, presenting the grand spectacle of an ocean of fire.

The luxuriant growth of herbage and foliage is nature's plan of feeding thousands of wild animals; and at that time wild horses, cattle, antelope, elk, deer, bear, coyotes and other animals roamed the prairies in large numbers. The oak trees, many of which are still standing, are the home of the canary, the blackbird, the bluejay, the dove and many others of the feathered tribes, while ever and anon the eagle from his mountain home swoops down and preys upon the weaker tribe.

When the dusky sons of the west roamed over the earth in search of food, and the howling coyote scampered over the plains, a more graphic pen than mine is required to describe the beautiful scene of the early Spring. Then no dwellings disfigured the contour of the surrounding landscape. No screech of whistle, hiss of steam, nor tinkle of hammer sounded on the air. No rumbling of wheels nor shuffling of feet echoed along the pavement. One unbroken stillness, save the singing of the bird, charmed the beholder into silence. The scene was a grand and a beautiful one. In the west the green tules were nodding in the cool breeze, and beyond these forty miles distant the dark blue line of the Coast Range, forming the western boundary of the San Joaquin, formed the background of the scene. Its highest peak, Mount Diablo, the silent sentinel of the state, loomed

in majestic grandeur. The original name of this mountain, as given by the Indians, was Mount Bolgon, a name similar to that of a tribe of Indians living near the base of the mountain. The Spanish gave it its present name, which signifies the "Mountain of the Devil."

In Mount Diablo there are two peaks, over the highest of which run the base and meridian lines for the U. S. survey of this section of the state. Travelers tell us that this peak can be seen from almost every part of the state except the extreme northern and southern portions.

Such was the view toward the west. Toward the north and south the eye rested upon a beautiful garden of nature's own planting. Here were seen flowers of every hue and variety growing in almost endless profusion, while toward the east the same enchanting scene dazzled the eye, while the snow capped Sierra Nevada glistening in the sunlight formed the background for this part of the scene.

Captain John C. Fremont was sent out by the U. S. government, for the purpose of locating a route to Oregon farther south than the one usually traveled by immigrants, camped at the place now called Liberty, on the night of March 25, 1844. The following is an extract from his diary, and gives his impressions of this part of the state: "We traveled 28 miles over the same delightful country as yesterday, and halted in a beautiful bottom at the ford of the Rio de los Mukelemnes, which receives its name from an Indian tribe living on the river. The bottoms on the river are broad, rich, and extremely fertile, and the uplands are shaded with oak groves. A showy *lupinus* of extraordinary beauty grows four or five feet in height, and is covered with blossoms which fill the air with perfume. On the 26th we halted at the Arroyo de las Calaveras—a tributary of the San Joaquin river. This is a beautiful place with open groves of oak and grassy sward beneath, with many plants in bloom, some varieties of which seem to love the shade of the trees, and grow there in close small fields. Near the river and replacing the grass are great quantities of *ammole*, or soap plant, the leaves of which are used in California,

among other things, as mats for saddle cloths. A vine with a small white flower (*melothria*) called here la Yerba Buena, which from its abundance gives name to an island and town in the bay—was seen often to-day upon our road —sometimes running on the ground or climbing the trees. March 27—To-day we traveled steadily and rapidly up the valley, for with our wild animals, any other gait was impossible. During the early part of the day our ride had been over a level part of prairie separated by lines and groves of oak timber growing along the deep gullies, which are filled with water in seasons of rain, and perhaps also by melting snow. Over much of this extent the vegetation was sparse, the surface showing plainly the action of water which in seasons of flood spreads over the valley. At one o'clock we came again among innumerable flowers and a few miles further on we passed over fields of beautiful blue flowing *lupine* which seemed to love the neighborhood of water and indicate that we were approaching a stream. We have found this beautiful shrub in thickets. Occasionally several of these plants were clustered together forming a grand bouquet about ninety feet in circumference and ten feet high, the whole summit covered with spikes of flowers, the perfume of which is very sweet and grateful. A lover of natural beauty can imagine with what pleasure we rode among these flowering groves which fill the air with a light and delicious fragrance. We continued our road for about half a mile through an open grove of live oak trees, which in form were the most symmetrical and beautiful that we had yet seen in the country. The ends of their branches rested on the ground forming something more than half a sphere, of very full and regular figure, with leaves apparently smaller than usual. There were many flowers, among which the California poppy of a rich orange color was conspicuous. To day elk and several bands of antelope made their appearance. Our road was now one continued enjoyment, and it was pleasant, riding among this assemblage of green pastures with varied flowers and scattered groves and out of the warm green Spring,

to look at the rocky and snowy peaks where lately we had suffered so much. Emerging from the timber, we came suddenly upon the Stanislaus river where we hoped to find a ford, but the stream was flowing by dark and deep, swollen by the mountain snows. Its average breadth was about fifty yards. We traveled about five miles up the river, and encamped without being able to find a ford. Here we built a corral, in order to be able to catch a sufficient number of wild animals to relieve those previously packed. Under the shade of the oaks along the river I noticed *Erodium Cicutarium* in bloom, eight or ten inches high. This is the plant which we had seen the squaws gathering on the Rio de los Americanos. By the inhabitants of the valley it is highly esteemed for fattening cattle, which appear to be very fond of it. Here, where the soil begins to be sandy, it supplies, to a great extent, the lack of grasses. Desirous, as far as possible without delay, to include in our examination the San Joaquin river, I returned this morning down the Stanislaus, for seventeen miles, without finding a fording place. After following it for eight miles further we found ourselves in the vicinity of the San Joaquin. Here we encamped in a handsome oak grove. Having killed several cattle we ferried our baggage across in their skins. Here our Indian boy, who probably had not much idea of where he was going, began to be alarmed at the many streams we were putting between him and his home, and deserted us."

CHAPTER III.

In 1773 a Spanish priest named Father Crespi, started from Monterey with a few soldiers, and passing through Santa Clara and the Old Mission, traveled along the east shore of the San Francisco bay, until they reached a stream at a place called Antioch. This stream was the San Joaquin, and Father Crespi was the first European

to behold its then pure, clear water. Forty years after the great valley of the San Joaquin was explored by Lieutenant Gabriel Morago, of the Mexican army, who was sent out for the purpose of exploring the valley of the rushes, "de los Tulares." This commander gave the name San Joaquin to the valley and to the river. This name is derived from the legendary father of the Virgin Mary, Joachim. The county embraces 1,452 square miles, 420 miles of which are swamp land. The population of the county is about 30,000.

As we have said, four rivers having their sources far up in the Sierra Nevada mountains bring their waters to refresh the arid soil of the valley, to promote commerce and to refresh and cool the air.

The San Joaquin is the longest of these. Rising in the Sierras, it flows in a winding course for more than four hundred miles, and empties into the Suisun bay, near the mouth of the Sacramento river. Into the San Joaquin empty the Stanislaus, the Merced and Tuolumne rivers, the last two being in counties of the same name. The waters are now of a muddy color, and abound in fish. Along the banks of the stream for miles blackberry bushes grow in profusion, and these yield berries of delicious flavor. The stream is navigable for 350 miles and tons of freight are transported over its waters annually.

The Mokelumne river, which forms the northwest boundary of San Joaquin county, empties into the Sacramento river. The origin of this name is doubtful. A tribe of Indians that formerly lived near the river were known as Mokelkos, and they may have given a name to the river. The Spaniards had three ways of writing the name—"Moquelomos," "Moquelumne," and "Mokelumne." The latter form is the one generally accepted. This stream is very winding in its course, and is continually forming sand bars, to the detriment of navigation. In the Winter of 1862 a steamer ascended the river as far as Lockeford. The whole country at this time had been flooded, and Stockton was blockaded from all localities except San

Francisco by a barrier of mud. The miners were out of food, and the prices of the necessaries of life were exorbitant and equal to the prices of '49 and '50. Dr. D. J. Locke, after whom Lockeford was named, an old settler in that locality and a keen, sharp business man, seeing, as he thought, a splendid opportunity for making money in shipping provisions to the famished mines and for establishing steam communication with San Francisco, thereby increasing the value of property in Lockeford and cutting off trade from Stockton, went to San Francisco, and chartering the small steamer Fanny Ann, loaded her with supplies for the mines. Dr. Locke gave Captain Haggerty instructions to spend two weeks, if necessary, in ascending the Mokelumne, as he considered the undertaking to be an all important one for that section of the county. Up to this time no vessels of any kind had ever ascended the Mokelumne river as far as Lockeford, but a sailing vessel had in 1852 ascended as far as Woodbridge, a few miles below, but the feat was so difficult that no effort had been made since.

In the shrewdness of his undertaking Dr. Locke found a rival from an unexpected quarter in Mr. Woods, the founder of Woodbridge. In 1852 Mr. Woods and Mr. McQueen bought the Woodbridge ranch of Mr. R. S. Sargent, and founded and established a ferry there. They also procured the laying out of a road from Stockton by way of the ferry to Sacramento, and induced the stages that had been crossing at Staples' ferry to cross at Woodbridge. In the course of time Woodbridge became quite a thriving village. This being at the time the only route to Sacramento, hotels, stores, stables, etc., were established to meet the wants of the surrounding country. Woodbridge continued to grow until 1869, when the railroad company founded the town of Lodi and forever ruined the future of Woodbridge. When Dr. Locke arrived in San Francisco, he found Mr. Woods as eager to oppose the navigation of the Mokelumne river above Woodbridge as he was in favor

of it. To oppose the enterprise Mr. Woods thought of a plan which has never been known to fail, and which has defeated many an enterprise. The loaded steamer left the dock in San Francisco February 12, 1862, carrying with it the best wishes of one person at least. He, of all, was the most disappointed when the Captain of the Fanny Ann, after trifling away eight days of his chartered time, declared that he would go no further on the perilous waters. Six days were left in which to complete the journey, a distance of perhaps twenty miles, but the gold bribe had tempted the dishonest Captain, and the goods were landed at Woodbridge and hauled in teams to their destination. Mr. Locke was determined that his pet scheme should not fail without a fair trial, and again going to San Francisco he purchased a steamer on condition that she succeeded in making the trip, loading her with thirty tons of freight and about sixty passengers. The steamer Pert successfully navigated the Mokelumne to Lockeford on the 2d of April, 1862. The event was signalized by a great rejoicing, as the deed is done: "A steamboat has ascended the Mokelumne to Lockeford. At six minutes past 11 A. M., April 5, 1862, the double engine steamer Pert, Captain Allen, direct from San Francisco with freight, threw off cables and drew up to discharge cargo at Lockeford, landing amidst a crowd of delighted spectators, who had gathered from the country round to witness the success of the effort to navigate the river to this point. Cheers from the many on shore were answered by those of the many on board, making the woods ring with the echoes of their hearty shouts. The smiling countenances, the vigorous shaking of hands and the free exchange of congratulations over the event evinced the lively interest which all felt on that occasion. Next, men and boys turned earnestly to the work of unloading the boat, as if it were a privilege to aid in this first discharge of cargo here, to be followed by innumerable others. An impromptu meeting was called and speeches were made by Dr. Locke, Captain Allen and

others, and it was resolved to hold a public meeting at the Lockeford House the following Thursday, for maturing plans for a more advantageous navigation of the river."

Not long after the events recorded above, D. J. Locke, Geo. D. Locke, Edwin Foster and James Talmadge organized the Mokelumne Steam Navigation Company, buying the steamer Pert, for which they paid $4,000. They put her on the route, under the command of A. P. Bradbury. Two more steamers were soon purchased--the O. K., which occasionally went up the river as far as Lockeford, and the Mary Ellen, that only went as far as Woodbridge.

The successful navigation of the river and the high expectations of the people of the grand results to be obtained in the near future, resulted in the organization of a company known as the Mokelumne River Improvement Company. The articles of incorporation were filed with the Secretary of State in May, 1865, under an act of the Legislature passed in April, 1864. The scheme was projected by D. J. Locke, E. Foster, G. C. Holman, D. Hitchell, A. J. Flood, J. Taylor, C. E. Morgan and J. R. Clark. Captain G. C. Holman was chosen President of the company. The capital stock was $40,000, divided into 800 shares of $50 each. They were allowed to collect ten cents per ton on all freight that passed up the river. To entitle them to collect the freight tax for twenty years, they were required to clear the river from Georgiana slough to Athearn's bridge and to complete the work in three years. This work they completed, and they collected the tolls, having one law suit, which resulted in their right being maintained, and they still have the right which stands good till 1885, unless the charter of the company is surrendered previous to that time.

To-day, as of yore, the Mokelumne flows on its course, in high water cutting out a new channel here, and depositing a sand bar there; but no steamer stirs its muddy waters, for the hopes of these enthusiasts lie buried in the sand with the decaying timbers of the little Pert, where she

has lain for eighteen years—a monument of man's imperfect judgment.

In 1874 the river was again brought into service. A company was formed for the purpose of cutting timber in the Sierras in Summer and floating it down in the Winter and Spring. The company cut an immense amount of timber, but finally failed.

The Stanislaus river flows into the San Joaquin. It is the boundary line between San Joaquin and Stanislaus counties. Vessels have been upon its waters but seldom, because the stream is full of sand bars, which are constantly changing their position. The name Stanislaus is of Spanish origin. The name was changed from the Indian name, on account of a battle fought there in 1829, in which the Spaniards were defeated by an Indian chief.

The Calaveras river was named because of a battle which took place near it in early days between the mountain and the valley Indians. The valley tribes held these waters as fishing grounds for salmon trout and other fish, which were plentiful there. The mountain Indians having discovered a happy fishing ground on the same stream, also came there to fish. This was considered by the Yachichumines as a trespass of a right which they had inherited. A council was held, and war was declared. A battle was fought, and the valley Indians were victorious. More than three thousand were killed on both sides, and their bones bleached on the battlefield. This is the origin of the name Calaveras, "a place of skulls."

The bed of the river is deep and narrow and is filled with decayed brushwood, logs, and stumps of trees, and on its banks grow the willow, the elder bush, and the wild grape vine. The grape vine also grew in abundance along the San Joaquin and the Stanislaus, but the inroads of settlers have destroyed them until they are now exceedingly scarce along the banks of this river. For a distance of four miles on each side the soil is as rich and productive as any in the world. This richness of the soil is due to the fact that the stream is narrow, and overflows on

every occurrence of high water and deposits sediment over the land.* This occurs frequently and the soil is new made. This insures a crop almost every year, and places the value of the land at over $100 per acre. Under the head of Agriculture, we will again speak of this garden spot.

In the last few years attention has been called to the subject of reclaiming swamp and overflowed land. Staten island comprises a large and valuable tract of this land. It joins the southern boundary of Sacramento county. As soon as this island and others near it had been reclaimed, farmers from San Joaquin and Sacramento counties settled here and began the tillage of the soil, and raised immense crops of barley, wheat and other grain, besides vegetables of all kinds. In 1877, the island was assessed in Sacramento county but had originally belonged to San Joaquin. Before reclamation the land was of little value to either county, but since its increase in value the question of boundary became an important one. The taxes of San Joaquin being less than those of Sacramento county the settlers were anxious to belong to San Joaquin, as by original legislative enactment they belonged here.

The boundary line of San Joaquin county is defined by legislative bill passed in 1850, as follows: "Beginning at the junction of the San Joaquin and Mokelumne rivers; following up the middle of the Mokelumne, to the mouth of Dry creek." Staten island is situated between the North and the South Fork of the Mokelumne river. The settlers petitioned the legislature to again annex them to San Joaquin county. A bill to that effect was drawn up and presented by Assemblyman R. C. Sargent, a representative pioneer of San Joaquin. The Sacramento delegates opposed the bill, on the grounds that the middle channel of the river proper was the South Fork. The Attorney General went to the locality, decided the dispute, and carried the bill through the house, his decision being that the North Fork was the main channel of the river, and that

* See Floods.

the island belonged to San Joaquin county. It will ever be a source of contention, as it is a rich prize, and changing legislatures will doubtless change it back and forth from one county to the other.

CHAPTER IV.

ABORIGINES.

When Columbus landed upon the shores of the new world, he found a new race of beings whom he called Indians. The pages of history contain no record of their origin. If from the race of Adam, obscurity fails to enlighten us as to when they came or by what means. Some form the theory that they may have crossed from Asia by the way of Behring straits, because traces of the same race of beings are found along the coast from the straits to Mexico.

When Cortez landed in Mexico 360 years ago he explored upper and lower California and found the same race of people—only more ignorant and degraded, the further he went from southern Mexico. Mexico seems to have been the center of an ancient civilization. Mr. Bancroft fully proves this in his scholarly and complete work on "The Native Races," from which I have made several extracts descriptive of the Indians formerly living near Stockton.

In this county there were numerous tribes of Indians. When the Spanish conquered these unknown races in battle, they founded settlements and missions to which the church of Rome sent priests, in order to convert these heathen to the doctrines of Catholicism.

The first mission was founded at San Diego in 1769, and so rapidly were these missions founded that Humboldt, the great traveler, tells us that in 1803 at least eighteen of these had been established in California, with 15,562 native

converts. The priests built adobe houses, and, sending out Mexican soldiers, captured and brought the Indians in, for the good of their souls. They assembled them together, taught them the Catholic religion, and also agriculture and some of the mechanical arts. They cultivated the vine, the olive, and the fig. It was while on one of these expeditions that Morago discovered this valley.

In the vicinity of Stockton there were numerous tribes, some of which were warlike and ferocious, each having a chief and medicine man for the locality in which they lived. The Yachichumines claimed the land between French Camp slough and the Calaveras river, their principal village being near where Stockton now stands. This section was more fruitful in game and acorns and seeds, and consequently was a source of envy to the other tribes.

The Mo-kel-kos occupied land extending from the Mokelumne river and Dry creek on the north, to within one half mile of Stockton on the south. They were divided into three tribes, known as the Mokelkos, the Lalos, and the Macharos. The first were the most powerful, having from twelve to fifteen rancheros of from 200 to 300 inhabitants each. This was of course prior to the settlement of General Sutter, which formed an important epoch in their history; and well it might, for it was the shadow of that prophetic thought, "Westward the star of empire takes its way."

The tribe had four chiefs, all of whom were of one family; Senato, Soweno, Antonio, and Maximo. The last named is still living on the Megerle ranch near Lockeford.

The Mokelkos were constantly at war with the neighboring tribes, boundary lines and trespassing on hunting grounds being the principal causes. They claim that they were always successful in these wars because of the great number of their warriors and their superior physique. It is stated that some of these braves were six feet in height, and they believed themselves invulnerable, as well as invincible.

They had been taught Christianity by the Jesuit fathers

and like all heathen tribes were proud of their new religion, and considered themselves better than the other tribes in the vicinity. As before mentioned, these Indians were envied by others on account of the game which was found in abundance in their territory. As late as 1853 elk and deer were found in large herds near where we now live. During the high water of that year immense numbers of elk were caught in the high corrals for stock, the water having driven them away from their customary haunts. Among all these tribes one, the Siyakum, was friendly to the whites, but hostile to the Mexicans. They lived between the French Camp slough and the Stanislaus river, and during the settling of the country were of great service to the whites. This tribe was the enemy of the Mexicans on account of their proselytism, and in 1829 fought a battle with them on the banks of the Stanislaus, defeating the Mexicans, who fled with great loss. At this time their chief was an Indian called Estanisloe, who soon after died, and a chief named Jose Jesus was chosen in his stead.

Jose Jesus, the friend of the white man, is said to have been an Indian of remarkable ability. He was a man six feet high, of good proportions, and dressed in the style of a Mexican grandee. He had been taught by the fathers, and at one time was the Alcalde of San Jose. Clean, proud, and dignified, he was respected by all who knew him, as an Indian far superior to the most of his race. Captain Weber, learning of this notable chieftain, proceeded to Sutter Fort to form his acquaintance and win for himself and the settlers here the friendship of this chief and his tribe. When Weber arrived at the fort, an Indian runner was sent to bring the chief, and arrange for a place of meeting. A place of meeting was agreed upon, and the representatives of the two races that are constantly at war made a peaceful friendship, that lasted through the life of Jose Jesus. The chief was a terrible foe to the Spaniards, as he believed that he had been wronged by them, and never would he smoke the pipe of peace. Sweeping down from the foothills of the Sierras, he drove

off their stock, and if they resisted he gave them battle. He was generally the victor. The San Joaquin was the division line between his territory and that of the Spaniards, and when he was on the east side, his native heath, seldom dared the Spaniards intrude. The present site of Stockton is due in a measure to this fact. The Spaniards had ever been regarded by Jesus as his foes, and when a treaty was made between him and Captain Weber he expected that the whites, being his friends, would form an alliance with him in his battles. His desire was realized, but he became the ally and the whites the aggressive party, Jesus and his party aiding the whites both in the Micheltorena and the Mexican wars. The fame of this chief of the Western border is known to but few, and his deeds of daring are mentioned now for the first time upon the printed page. The Indian is regarded as a barbarous, degraded being of the western world, fit only to be hunted and shot by the pale face; but remarkable instances of bravery, sacrifice and privation have been endured by Indians for friendly whites on the Eastern shore, and here in California let Jesus (Hazoos) be remembered as always the white man's friend.

Colonel Warner, who is now living in Los Angeles, tells us of a strange disease that swept through the valley in 1833. He says: "On our return, late in the summer of 1833, we found the great valleys depopulated. From the head of the Sacramento to the bend and slough of the San Joaquin, we did not see more than six or eight live Indians, while large numbers of their skulls and dead bodies were to be seen under almost every shade tree near water, where the uninhabited villages have been converted into graveyards. At the mouth of King's river we encountered the first and only village of the stricken race that we had seen since entering the valley. This village contained a large number of Indians, who were stopping there temporarily. We encamped near this village for only one night, and during that time the death angel, passing over the

camping ground of these plague-stricken fugitives, summoned from the little remnant of a once numerous people a score of victims, and the cry of the dying made the night hideous in that veritable valley of death." This disease carried off its thousands, and before they could recuperate from its terrible effects they were driven from their happy hunting grounds by the onward march of civilization.

Of this people Mr. Hubert Bancroft says: "Their hight rarely exceeded five feet eight inches, and though strong they were seldom symmetrically built. A low, retreating forehead, black deep-set eyes, thick bushy eye-brows, salient cheek bones, a nose depressed at the root and somewhat wide-spreading at the nostril, thick projecting lips, with large white teeth, were the prevailing types. Their complexion was nearly black, so that with thick bushy hair, they presented a very uncouth appearance. Their dwellings in Summer consisted of bushes or trees to shade them from the sun; in Winter they dug holes in the ground and covered them over with bushes and mud. Their bestial laziness prevented them from following the chase to any extent. Their main reliance for food was acorns, roots, grass, berries, and the like. Grasshoppers also formed an article of food, of which they were exceedingly fond.[3] In their personal habits, they were filthy in the extreme. Both their dwellings and persons abounded in vermin which they caught and ate. Their weapons were bows and arrows, spears, and sometimes clubs. They had no canoes, their only means of navigation being bundles of thick *tule* rushes about ten feet long and three or four feet wide, lashed firmly together in rolls, and pointed at both ends. They were propelled by a double-bladed oar."

Those who have seen the Diggers, either in early days or as they have visited Stockton at the present time, know that this word painting by the historian is true to life. We have embodied this minute description not only as a mat-

[3] See appendix.

ter of history in regard to the original settlers of Stockton; but also as a matter of interest to those who in the days of '49 when women were scarce and money plenty often had dealings with these people.

In 1845 the small pox again broke out among the tribes and caused a great mortality among them. When the disease made its appearance the settlers of the county fled to San Jose leaving a Mr. Lindsay to guard their stock. Under the maddening influence of the disease the Indians murdered Mr. Lindsay on the peninsula that bears his name, burned the buildings, and fled to the coast range taking the stock with them.

The Indians fled, nevermore to chant their doleful dirge, nor perform their war dance, for the star of destiny was setting for them behind the western hills, and the foot prints of the pale face were upon their beaten pathway.

It was the custom of the Indians for several years after their departure to pay Captain Weber a visit annually, giving and receiving presents. In the spring of 1852 a few families appeared for the last time, before the residence of Capt. Weber, the last of a tribe described by Morago forty years before, as being both numerous and formidable. A few of their number still remain, an antique relic of the pioneer sons of the valley. Occasionally they visit Stockton soliciting for old clothes, money, carpets and in fact any thing that the charitable are disposed to give them. They come from near Lockeford, a town about 20 miles northeast of Stockton, where a few of them still live. The Yachichumines inhabited wickyups near the residence of Dr. Holden, near the five mile house, and at Waterloo. Indian mounds have been found in many places around Stockton; these mounds were the burial places. The ranch of Joseph Hale contains a large mound, in which have been found a large number of skeletons, the bones of papoose, squaw and buck, being mingled together. This mound is situated on Roberts island. Skeletons have been found in different portions of the country, but judgment will alone decide whether they are those of Indian or white man.

CHAPTER V.

LAND GRANTS.

In giving the history of the original grants of San Joaquin, it will be necessary, to better understand the subject, to turn to the time when Mexico was conquered by Spain, and there we learn on what condition grants were given and by what laws they were regulated. In the history of these grants, among other records I have had reference to Hall's history of San Jose, an excellent work which treats at length upon the early colonial grants. I have also had access to the laws of California which regulate land grants. These laws were compiled by H. W. Halleck, since Major General Halleck, in 1849, under the order of Col. R. B. Mason then the commander of the 10th military division and military governor of California. These laws were translated from the Spanish by W. E. P. Hartwell, the government translator. These laws, by which the Spaniards governed California, were nearly the same as those handed down to them by Sancho the Great, Sepulveda, and Alphonzo V, in the tenth century of the Christian era, and they remained in force here until 1846. Although we regard our land laws superior to those of any other nation, they are far *inferior* to those under which California was governed during the days of Spanish and Mexican supremacy.

These laws were collected, written in a book and placed in the hands of Captain Weber for safe keeping. They are still in his possession, retained by him as a *souvenir* of the first land laws of California.

The Spanish government was very liberal in the bestowal of lands to all persons. Had Spain in granting these lands to settlers adopted the old feudal system of France or England, granting lands to those only who were under the royal patronage, these in turn populating the grants with slaves and hirelings bound by oath to take up arms in defence of their lords and masters, Mexico, in its changeful

condition would have been unable to cope with the strength of such a feudal army; and the independence of Mexico would have been left for a more powerful nation to achieve many years later.

Conceding lands to all classes, the power of Spanish rule was weakened, and Mexico became independent. Carrying out the provisions of the old Spanish law, the principal portions of the upland of San Joaquin county came into the possession of Captain C. M. Weber, and Pio and Andrew Pico.

The name California, says Swinton, originated in an old crusader romance much read in the time of Cortez and Columbus. One of the characters in this romance was California, queen of the Amazons. No name could have been more appropriate, for among the states is not California the queen?

The history of California dates back to 1769, when the first settlements were made by the Spanish. Of the country before that time we know comparatively nothing.

Four years had not passed after the settlement of San Diego, before the Viceroy of the province was obliged to send a military commander to San Diego to quell the insubordination of the Mexican citizens. In sending a commander, he also sent instructions thus:

"To the commandante of the New Establishment of San Diego and Monterey, Aug. 17, 1773."

These instructions were contained in 15 articles. The last four have a bearing upon the subject.

In the 12th article he treats the Indian question in a more statesmanlike manner than our present national administration, and says:

"With a desire to establish population the more speedily in the new establishments, I for the present, grant the commandante power to designate common lands, and also even to distribute lands in private to such Indians as may most dedicate themselves to agriculture and the breeding of cattle; for having property of their own, the love of it will cause them to radicate themselves more firmly; but the

commandante must bear in mind that it is very advisable not to allow them to live dispersed each one on the land given to him, but they must all necessarily have their houses or habitations in the town or mission where they have been settled."

In article 13 he gave the commandante permission to grant lands to other founders "according to their merit and means of labor;" granting them legal titles for their protection without exacting any remuneration there for the act of possession. He also regarded the safety of the settlers of the greatest importance, and ordered the commandante to be carefully attentive, that "the founders who go to the new establishments be provided with the requisite arms for their defence, and for assisting the garrisons at the presidios or missions in case of necessity; binding them to this obligation as a thing necessary for their own safety and that of their neighbors.

The missions of California, says C. J. Johnson, were secularized by decrees of the Mexican Congress of 17th of August, 1833, and the property belonging to them was turned over to the administrators, who were directed by the government to make provisions for the support of the Indians, by distributions of horses and cattle, and by assigning them portions of land for cultivation. But these orders were not obeyed in full. The distributions of stock were made to the friends of the administrators, and the Indians were driven away in large numbers. Those that remained were kept as serfs, and, becoming brutalized by neglect and ill treatment, soon disappeared.

The object of secularization was to convert all the missions into pueblos. The municipal system of the Spanish was derived from the Romans. Under the Roman civic, Gothic, Spanish, and Mexican laws, municipal communities were never incorporated with a common seal and a perpetual succession, as with us under the English and American laws; consequently, under the former laws, people in towns held their lands in communities, or *pro indivisa*. The property did not belong to the town people. The Roman law called

it *commonalia*, the Spanish *del commune*. When thirty families had located on a spot the pueblo was an accomplished fact. They were not incorporated, but formed a distinct community and had the right to organize a local government, by the election of an Alcalde and council. The instant a pueblo was duly organized it became entitled to the land to a distance of four leagues, and as the colonists were not incorporated, they held it *pro divisa*. But since the decree of the Spanish cortes in 1813, it has been subject to distributions or assignments by the local governments. The towns had no grants of land from the crown, nor from the Mexican governments. The title was simply a natural right that belonged to the towns *ipso facto, et de naturale jure*. The action of the government was only to give definite limits to an acknowledged right. "It was enacted and passed in the 16th century by Philip II. of Spain, that a pueblo should contain four leagues to be measured in a square or in a prolonged parallelogram, and within these limits the ownership of the pasture, water, timber and woodlands cannot be vested in private individuals, but that such tracts could be granted outside the pueblo limits with the condition among others: that the grantee should employ herdsmen to keep his stock from doing damage to the settlers."

Suertes were the cultivable lands granted to the colonists and were two hundred *varas* long and two hundred *varas* wide; the Spanish vara being 33⅓ inches.

"The *ejidos* were lands immediately around the towns, kept open for common pasture, or the celebration of festivals or games. The origin of the laws in regard to these ejidos was a military one to prevent an enemy from approaching a town under cover of houses or gardens. These lands surrounded the town and were, in extent, about 600 varas in every direction and were not assigned. On the 21st of Sept. 1773, the Viceroy sent a letter to the commander of San Diego, "granting permission to the soldiers of the garrison to marry the baptised Indian girls of the

Mission, and authorizing the assignment of lands to soldiers so marrying."

In June 1779 the military commander was superseded by Governor Don Felipe De Neve, and in his royal presidio, San Carlos de Monterey, he issued the following regulations for the government of the province of California. "The object of greatest importance towards the fulfilment of the pious intent of the king our master, and towards securing to his majesty the dominion of the extensive country which occupies the new establishments of the Presidios, and the ports of San Diego, Monterey, San Francisco, and to make this vast country (which with the exceptions of 1749 Christians of both sexes in the eight missions on the road which leads from the first to the last named Presidio, is inhabited by innumerable heathens) useful to the State by erecting Pueblos of white people, who, being united, may successfully encourage agriculture, planting, the breeding of cattle, and the other branches of industry." "So that the garrisons may in the future be provided with provisions and horses. With this just idea the Pueblos have been founded and peopled."

"As an equivalent for $120 and rations that have been assigned, yearly, to each colonist, for the first two years, and the rations for the three following ones, they will hereafter receive for the first two years $116, rations included, and in place of the rations for the three following years they will receive $60 a year."

"To each *Poblador*, subject in the future to an assignment of like produce, will be given two mares, two cows, one calf, two sheep, two goats, all breeding animals; also one yoke of oxen, one ploughshare or point, one hoe, one ax, one sickle, one wood knife, one lance, one musket and one leather shield. To the community was given in common the male correspondents to the total number of cattle of different kinds one seed, and one common jack; one boar and three sows, one forge and anvil and other necessary tools; six crowbars, six shovels, and the necessary tools for carpenters' and coopers' work."

Another section of these orders provided that "the houses shall be in regular order, and that each *suerte* shall be 200 varas square. These lands were to be perpetually hereditary to their sons or their descendants, or to their daughters who marry useful colonists, who have not received any grants of land for themselves; and in order that the sons observe the obedience and respect due to parents, the parents are authorized to choose which son should succeed to the house and *suertes* of the town, but no suerte can be divided." Neither the Pobladores nor their heirs could impose any tax, reversion, mortgage, or any other burden even for religious purposes, and should he violate this law his property was taken away and given to another colonist who was more obedient. They were to enjoy the privelege of the wood, pasture, and water for their stock on the common land, and were required to herd their sheep and goats together, hiring a shepherd for that purpose, that they might attend to their agriculture. The cattle were guarded, fed and corralled by two colonists appointed daily from their number, and each colonist was required to *brand* his own stock, an iron being furnished, free, for that purpose. They were exempt from taxes on fruits, produce, and stock, provided that they built houses, dug trenches for watering the land, marked boundaries, and planted trees, ten to each *suerte*. At the end of five years they were to pay taxes to his majesty, and when the stock multiplied it was divided equally among the colonists.

The last section provided that an Alcalde shall be appointed by the government for the first two years, after which time the colonists shall appoint an Alcalde from among themselves, the appointment to be approved by the government. Three years after this proclamation Governor de Neve was recalled, and Don Pedro Fages became the ruler of the Province. One of the first acts of this official was to appoint Don Jose Morago, a lieutenant commanding at the presidio in San Francisco, as commissioner, to go to San Jose and give the colonists titles to their

lands, also iron brands with which to mark their cattle and horses. The commissioner was ordered to appoint two assisting witnesses. The Governor says that he ordered this, "that the possessions may be uniform and regular, and that the citizens may know what is vacant land, what is defined as common land for pasture and what is wood land." It was ordered that the titles should contain the conditions provided by the law for the government of the provinces made by Governor Neve, that the Poblador should sign his title granting these conditions, also that the commissioners and two assisting witnesses should sign the same; and that these titles should be sent to the Governor for his approval, and that they should be registered in the "Great Book," and that a certified copy be given to the interested party, together with a copy of the order from the Governor to the commissioners, "that the whole proceeding might serve him as a title."

In the colonization of California by the Spanish the method was tri-form. The missions were under the ecclesiastical, presidios under the military, and the pueblos under the civil authorities of the government. These were all established with a view to the general advancement of the territory. The missions were chiefly for the civilization of the Indians, the pueblos for the settlement of the territory by the whites, and the presidios for the protection of both.

Human nature is ever the same. Race may modify it, surrounding circumstances may slightly affect it, but in all its essential qualities it is the same, every where, and under all circumstances. The colonists were provided with lands, stock, and implements for carrying on their work and yet before seven harvests had passed, through their own selfish natures they were greedy for more land, and were anxious to have larger tracts of land within the limits of the Pueblos. The Governor had been urged until he saw no impropriety in complying with their demands; but the officer higher in power, viewing the premises from a greater distance, was not so easily convinced that the course of the colonists was just. The Governor sent the petition

of the colonists to the Comandante General, who referred the same to his Attorney General. In sending this petition the Governor did not fail to express his views in favor of the request. The Attorney General gave his opinion October 27, 1785, which was approved by the Comandante General and the same was sent to the Governor. The Attorney called the attention of the Governor to the law laid down in the instructions which treat of the population and political government of California in Title 14, and approved by his majesty in 1781. He detailed to him the tenor of article 8, wherein it is declared that the settlers should enjoy their pasturage, wood, and water in common, and that such commons were in compliance with the laws to be marked out for every Pueblo. Article 8 also declared that no settler should possess more than 50 head of cattle, so that the usefulness resulting from the stock might be distributed among all, and the true wealth of the Pueblos should not be confined to a few residents, and that the allotting of tracts of land cannot and ought not to be made within the Pueblo limits. Tracts could be granted outside of the Pueblo limits, with the condition, among other things, that the grantee should employ herdsmen to keep his stock from doing damage to the settlers.

During the reign of Iturbide a system of laws for colonization was decreed on the 11th of April, 1823, but these laws were soon repealed, and it is generally thought that no grants were made under their provisions. A new colonization law was formed in 1824, by the Congress of Mexico. In this decree they promise to protect all foreigners who may settle in the territory provided they become subject to the laws of the country. In the distribution of lands Mexican citizens are to be attended to in preference. No one person shall be allowed to obtain ownership of more than one league square of 5,000 varas of irrigable land, four superficial leagues of land depending on the seasons and six leagues for the purpose of rearing cattle. No one who obtains lands by virtue of this law shall retain them, if he reside out of the territory of the Republic.

On the 21st of November, 1828, a general set of rules was published, instructing the applicant how to proceed to obtain his lands. They also state the terms on which the lands are granted. The law of 1828 regulated and defined the decree of August 18, 1824. In 1837 application had been made to the government for grants of land within the limits of the Pueblo. Manuel Pinto, Jose Maria Flores, Leandro Rochin, Luis Chabolla, Jose Antonio Sepulveda, and Anastacio Alviso, believing that such rights would be in derogation of the rights of citizens, they appeared in the name of all the population and requested the suspension of award of such lands, until such time as the regulations were complied with. This required a plan of the circumjacent lands to be made. They also alleged that the Pueblo rights must be heard, in order that it might be first decided whether the Mission would be injured thereby, and that in the present instance, if the grants should be made before the commons were clearly designated and marked out, the injury that would arise therefrom was most apparent. They therefore prayed that their petition might be referred to the Governor.

The Governor hearing the petition ordered the Ayuntamiento to appoint two persons as commissioners, to make a map of the lands that legally belong to the Pueblos. Three citizens were appointed to the town council. These three men, Guillermo Gulnac, Guillermo Castro, and Salvio Pacheco, accepted the office, and took a solemn oath to discharge the duties of the office faithfully and intelligently. Having met in March, 1838, Castro moved that the Pueblo boundaries be fixed as in the ancient times: Gulnac thought that the number of varas the Pueblo was entitled to should be left to the Government. The land was finally surveyed by them, and a report was made to the Government. The Government took no action on the report, and in 1840 informed the department of assembly that no Pueblo had its boundaries marked out except Monterey.

In 1847 the population began to increase, and it was

found necessary to more definitely define the boundaries of a pueblo. By the authority of the Ayuntamiento, Mr. William Campbell and his brother surveyed the Pueblo of San Jose, by means of surveyors' instruments. This was the first correct survey in California. I have given a brief account of the history of the laws regulating land grants up to the time when Captain Weber, through Gulnac, a naturalized Mexican citizen, petitioned his government for a grant of land. The government was granting lands at this time to none but Mexican subjects, as they were suspicious of foreigners and fearful of their encroachments. Weber, being well acquainted with the locality, desired to acquire a title. The vicinity was designated by the Mexicans as Campo de los Franceses (the Camp of the Frenchmen). Captain Weber, then living in San Jose, requested his partner, Wm. Gulnac, to petition the Governor for El Campo de los Franceses.

It may be of interest to know why Captain Weber was desirous of acquiring a grant in this wild and uninhabited region, instead of near the settlements and missions. Stock raising being then the principal business of the inhabitants, it was natural for him also to engage in the same occupation. In his second ride across the country he saw its advantages for that business, there being an abundance of grass, roots, filarce and clover. There was also a good supply of clear water from the mountain streams throughout the year. Here, also, was a navigable river, where hides and tallow could be shipped, and produce re-shipped, without delay. The beautiful oaks scattered over the wilds formed here and there delightful groves, giving it an "English, park-like appearance," that pleased the fancy of the young lover of nature. In his business he often met with the French Canadian La Framboise and his Scottish successor, Ermientinger, of the Hudson's Bay Company, and they both advised him to locate near the "French Camp," because they considered this section extremely advantageous for settlement. The latter gentleman strongly advised Captain Weber to do this, as he "proposed to

leave the Hudson's Bay Company, and settle with Weber in this section."

There were Indian trails leading from French Camp to San Jose, Sutter's Fort, and all the mountain rancherias, and this being a trading post for the native Californians and foreigners, it was a fine locality for trade.

Another and the most important reason why this place was selected was that the settlers coming to California for the purpose of colonizing the territory were agreed that in case of forcible measures being necessary, the San Joaquin should be the southern boundary line, and Weber desired a grant within the proposed limits.

Gulnac petitioned for the land in 1843, and in the following year the Campo de los Franceses was assigned to Gulnac by Manuel Micheltorena, then Governor of the republic. This grant was the partnership property of Weber and Gulnac, and Weber afterward purchased his partner's interest. The grant contains 48,747 acres of land, and is the richest tract of land in the state.

When the United States came into possession of the state, they found a large number of claimants for land under different titles, and Congress, to quiet and make valid the titles, passed a number of land laws. The first of these was in March, 1851, wherein it was declared that the existence of a town in California on the 7th of July, 1846, should be considered *prima facie* evidence of a grant to said town of all the land within its boundaries. This law by one death-blow annulled all the Mexican town grants then in existence. "It came," says Judge R. F. Peckham, of San Jose, "like a clap of thunder from a clear sky." The law was sustained by a decision of the Supreme Court, "that all Alcalde grants of town lots after July 7, 1846, were null and void." The land they undertook to grant was still a part of the public domain, and actual and exclusive possession was the only title in the individual. San Francisco, San Jose, Monterey and Los Angeles, and other places where they had American Alcaldes, were involved in a common ruin.

In May, 1852, Congress sent a Board of Land Commissioners to California, to sit in San Francisco and quiet all perfect titles, and to reject all that were fraudulent. They were instructed by the provisions of the Mexican treaty to recognize all Mexican grants as genuine, and had it not been for the chicanery of the notorious politician Wm. M. Gwin, all the titles would have been settled within a year. Captain Weber filed his claim with the Commissioners on the 31st of May, 1852, and on April 17, 1855, they rendered a decree of confirmation in favor of the claimant. The District Court of the United States for the Northern District of California approved of this decree in May, 1856. Soon after acquiring the grant, Captain Weber had it surveyed in conformity to the Mexican measure of 482 acres to a section, for the purpose of giving land away to those who would locate on the grant. In February and March, 1858, it was again surveyed by Duncan Beaumont. In this survey Captain Weber was obliged to conform to the measure of the United States, 160 acres to the quarter section. On account of the original shape and survey, this was a difficult matter, as nearly two-thirds of the land had been sold; and it was necessary for Weber to re-purchase some of it. This is the reason of the irregular shape of the grant. The United States patent was granted to Captain Weber in February, 1861, by United States Surveyor General J. W. Mandeville, subsequently approved and signed by the President, Abraham Lincoln, March 18, 1861. This patent is said to have been the first Spanish grant ever signed by Lincoln, and he expressed great surprise "at such a big farm," and hesitated about signing a patent for 48,747 acres. The patent was declared genuine by the Fifth Judicial Court of San Joaquin, in session in April, 1861, and it is recorded* as such by Captain Weber in the Recorder's office at Stockton. It will be seen that it was nearly six years after the confirmation of the grant by the commissioners, before Captain Weber received a perfect

* Record of Patents, Vol. 1.

title. During the *interim* he was defending his claim against a horde of squatters, who, seeing the land valuable, endeavored to steal that to which they had not the least claim. But with a shadow of substance, and urged on by dishonest lawyers, they kept the grant in litigation for six years, costing the owner thousands of dollars for lawyers' fees alone. We cannot, in a general history, enter into the details of these malignant suits; neither can we give a full description of the grant, extending, as it does, through six pages of the patent reports. The Weber grant is bounded on the north by Los Moquelemos or the Pico grant, on the east and south by public lands and on the west by swamp and overflowed lands. This is the only grant in San Joaquin county having a perfect title, confirmed by a United States patent, which was granted to a white settler by the government of Mexico.

CHAPTER VI.

EL PESCADERO.

This grant of land, containing eight leagues, or 35,446 acres, was surveyed by O. E. Whicher, Deputy U. S. Surveyor, in March and April, 1857. The grant was purchased of Pio Pico, and on the 22d of July, 1857, Hiram Gaines, Francis W. Gaines, and Wm. A. McKee, filed their petition and claimed confirmation of the El Pescadero grant, their claim being founded under the authority of the Mexican Government, by Micheltorena, who was then Governor and comandante. The Board of Land Commissioners herotofore mentioned rendered a decision against the validity of the claim, on February 15, 1855. The claimants then took an appeal to the U. S. District Court for the Northern District of California. This court reversed the judgment of the commissioners on April 11, 1856. It further declared that the claims to the land were just and

valid, and confirmed the grant. It was signed by the Surveyor General on August 4, 1857, and was approved by President Buchanan, January 18, 1858. At the August term of the Fifth Judicial Court, Judge C. M. Creanor, presiding, appeared Timothy Page, and presented said claim, as a U. S. patent, and said claim was acknowledged as a genuine patent. The El Pescadero was recorded September 4, 1856, at the request of Timothy Page.

LOS MOQUELEMOS.

This grant contains 11 square leagues of land in the N. E. part of San Joaquin county. Andreas Pico was the original claimant, having secured the title in 1846, from Pio Pico, then Governor of the Mexican Department. His claim not being fully substantiated by proof, it was rejected by the commission. Their decision was reversed by the District Court, and on appeal to the Supreme Court of the U. S., the decision of the lower court was reversed and the opinion of the Land Commissioners was confirmed, and the case remanded for further evidence. The title for this grant of land is still clouded as regards the validity of the Pico claim, and we will pursue the subject no further. The substance of litigation to the Pico claim is this: the title to the land being imperfect, the Central Pacific R. R. Company, which will claim our attention hereafter, have endeavored to possess the land by means of the twenty mile grant given by Congress to the road as a subsidy, their road running through the contested grant. By this grant, the settlers, many of whom had purchased their land and lived on it for more than twenty years, would be forced to abandon their homesteads and farms or buy them again from the railroad at an exorbitant price. A test case was brought before the courts in which the railroad by their own audacious scheme sought to secretly deprive the settlers of their just rights. The case is known as Newhall vs. Sanger, and in this case appears a very singular anomaly. A nephew of the railroad contractor McLaughlin, suing his brother-in-law for a quarter section of the railroad grant.

The facts of the case as given by a San Francisco paper are these:

"A patent for the land in dispute was obtained by the Western Pacific Railroad Company, since consolidated with the Central. Subsequently a Mr. Dayton obtained a patent for the same tract of land, from the land department, stating that the first patent had been issued inadvertently. Dayton afterwards sold to a Mr. Graves, and he in turn to Mr. Newhall, a nephew of McLaughlin, and at the time his chief clerk. McLaughlin's brother-in-law, Sanger, sued Newhall for the possession of a quarter section obtained through pre-emption, while Newhall's claim was a patent from the Central Pacific Railroad Company. In 1864, under the twenty mile grant given by Congress to the transcontinental railroad, the Western Pacific Railroad Company claimed within certain limits, a portion of this grant. The land of this grant was not reserved by the railroad company to the decision of its title, and when it was rejected in 1865, the land was thrown open to pre-emption and homestead entry. Should any one desire to further investigate this grant, we refer them to the decision of the Supreme Court of the U. S., published in 1875, in pamphlet form. This decision gives the full history of the case.

The case first came to trial in the Fifth Judicial District Court, Judge Booker presiding. The settlers, ignorant of the thunderbolt that was about to be hurled against them by the avaricious monopoly, were awakened to thought and action by Messrs. R. C. Sargent, John Grattan, L. U. Shipple, J. H. Dodge, and other settlers, and counsel were employed, both in Stockton and in Washington to defend —not Sanger, but Justice, against the most infamous scheme ever concocted by men, who claim in their private lives at least to be honest, upright and fair. Judge J. H. Budd of Stockton espoused the cause of the settlers, and earnestly and successfully did he plead it. Judge Budd is not entitled, in this case, to any praise for doing his duty as a *lawyer* for he received his fee for his services. But for doing his duty as a *man* he is; for the railroad corporation

is rich—there was a valuable prize in the balance, and to them money was of no object.

When the case came to trial before the U. S. Supreme Court, Mr. Newhall, the agent of the railroad company, received more justice than he had anticipated or wished for, as he was anxious to be beaten by his collusive defendant, Mr. Sanger. By this decision the rights of pre-emption were sustained and the railroad company were obliged to relinquish their claim to any portion of the Moquelemos grant, which had been pre-empted before the passage of the act.

The decision of the Supreme Court is given in the following text:

MOQUELEMOS GRANT—FULL TEXT OF THE DECISION OF THE UNITED STATES SUPREME COURT.

G. D. Newhall, Appellant, vs. Charles W. Sanger. Appeal from the Circuit Court of the United States for the District of California.

Mr. Justice Davis delivered the opinion of the Court:

The object of this suit is to determine the ownership of a quarter section of land in California. The appellee, who was the complainant, claims through the Western Pacific Railroad Company, to whom a patent was issued in 1870, in professed compliance with the requirements of the Acts of Congress commonly known as the Pacific Railroad Acts. The appellant derives title by mesne conveyances from one Ransom Dayton, whose patent, of a later date than that issued to the company, recites that the land was within the exterior limits of a Mexican grant called Moquelemos, and that a patent had, by mistake, been issued to the company. The Court below decreed that the appellee was the owner in fee simple of the land, and that the patent under which the appellant claims, so far as it relates to the land in controversy, should be canceled.

The Act of July 1, 1862 (12 *Stat.*, 492), grants to certain railroad companies, of which the Western Pacific by sub-

sequent legislation became one, every alternate section of public land designated by odd numbers, within ten miles of their respective roads, not sold, reserved or otherwise disposed of by the United States, and to which a homestead or pre-emption claim may not have attached at the time the line of the road is definitely fixed. It requires that within a prescribed time a map designating the general route of each road shall be filed in the Department of the Interior, and that the Secretary thereof shall then cause the lands within a certain distance from such route to be withdrawn from pre-emption, private entry and sale. The precise date of the location of the Western Pacific road is not stated in the record, but the inference is that it took place between the first day of the December term (1864) of this Court and the 13th day of February, 1865. At all events, the withdrawal for this road was made on the 31st of January, 1865, and the records of the Court show that Moquelemos grant, which had been regularly presented to the Commissioners under the Act of March 3, 1851, and duly prosecuted by appeal, was rejected there February 13, 1865. It is a conceded fact that the lands embraced within it fall within the limits of the railroad grant, which were enlarged by the amendatory Act of 1874 (13 *Stats.*, p. 358). This Act also declares that any lands granted by it, or the Act to which it is an amendment, "shall not defeat or impair any pre-emption, homestead, swamp land or other lawful claim, nor include any Government reservation or mineral lands, or the improvement of any *bona fide* settler."

There can be no question that by the withdrawal in question the grant took effect upon such odd-numbered sections of public lands within the prescribed limits as were not excluded from its operation, and the question arises whether lands within the boundaries of the alleged Mexican or Spanish grant, which was then *sub judice*, are public lands within the meaning of the Act of Congress under which the patent whereon the appellee's title rests, was issued to the railroad company.

The subject of grants of land to aid in constructing works of internal improvement was fully considered at the present term in Leavenworth, Lawrence and Galveston Railroad Company vs. the United States.

We held that they attached only to so much of our national domain as might be sold or otherwise disposed of, and that they did not embrace tracts reserved by competent authority for any purpose or in any manner, although no exception was made of them in the grants themselves. Our decision confined a grant of every alternate section of "land" to such whereto the complete title was absolutely vested in the United States. The Acts which govern this case are more explicit, and leave less for construction. The words "public land" are habitually used in legislation to describe such as are subject to sale or disposal under general laws. That they were so employed in this instance is evident from the fact that to them alone could, on the location of the road, the order withdrawing lands from pre-emption, private entry and sale apply.

The status of lands covered by a Spanish or Mexican claim, pending before the tribunals charged with adjudicating it, must be determined by the condition of things which existed in California at the time it was ceded, and by our subsequent legislation. The rights of private property were not impaired by the change of sovereignty and jurisdiction. They were fully secured by the law of nations as well as by treaty stipulation. The country, although sparsely populated, was dotted over with land claims. Without our establishing a tribunal clothed with full authority to examine and decide them, their extent and validity could not be determined. It had been the practice of Mexico to grant large tracts to individuals, sometimes as a reward for meritorious public services, but generally with a view to invite immigration and promote the settlement of her vacant territory. Exact information in regard to them, although indispensable, could hardly be obtained during the eager search for gold which prevailed soon after we acquired California.

It was not until 1851 that our Government undertook to discharge the obligation it assumed, to adjust the property rights arising under Mexican and Spanish grants. The Act of March 3d of that year created a commission to pass upon them, and allowed two years from that date within which to present claims. Prior to or during this period, as an extension of our land system to California would have produced the utmost confusion in titles to real estate, it was wisely withheld by Congress until such claims should be presented or barred by lapse of time. The Act declared that all lands, the claims to which should not have been presented within said two years, should be "deemed, held and considered to be a part of the public domain of the United States." This was notice to all the world that lands in California were held in reserve to afford a reasonable time for asserting rights thereto before a tribunal authorized to take cognizance of them. The claimant was not concluded by an adverse decision of the commission, but was entitled to have it reviewed by the District Court, with a right of ultimate appeal to the Supreme Court. If he, however, neglected to take, within the time prescribed by the statute, the proper steps to obtain such review, the decision was thereby rendered final and conclusive. The lands then fell into the category of public lands. The same remark will apply to the judgment of the District Court. But if he prosecuted his appeal to the tribunal of last resort, the lands retained their original character in all the successive stages of the cause, and they were regarded as forming a part of our national domain only after the claim covering them had been "finally decided to be invalid."

A failure, therefore, to present the claim within the required time, or a rejection of it either by the commission or by the District Court, without seeking to obtain a review of their respective decisions, or by this court, rendered it unnecessary to reserve the claimed lands from settlement and appropriation. They then became public in the just meaning of that term, and were subject to the disposing power of Congress.

This is, in our opinion, the true interpretation of the Act of 1851. In view of the circumstances which then existed, the intention of Congress cannot be mistaken.

It may be said that the whole of California was part of our domain, as the United States acquired it by treaty and asserted dominion over it. The obvious answer is that the ownership of so much of the soil as was vested in individual proprietorship did not pass to them. They took the remaining lands subject to all the equitable rights of private property therein which existed at the time of the transfer. Claims, whether grounded upon an inchoate or a perfected title, were to be ascertained and adequately protected. This duty, enjoined by a sense of natural justice and by treaty obligations, could only be discharged by prohibiting intrusion upon the claimed lands until an opportunity was afforded the parties in interest for a judicial hearing and determination. It was to be expected that during that time of feverish speculation in California, unfounded and fraudulent claims would be presented for confirmation. There was no way of separating them from those which were valid without investigation by a competent tribunal, and Congress, therefore, shaped our legislation so that all lands to which a claim attached should, until it was barred or passed upon, be excluded from any mode of acquiring them.

Until recently this view of the Act of 1851 was adopted by the Interior Department upon the advice of the law officers of the Government, (Opinions of the Attorney General, vol. 11, p. 493: ib., 13, p. 388), and it was, at least by implication, sanctioned by this Court in Frisbie vs. Whitney (9 Wallace, 187). No subsequent legislation conflicts with it. On the contrary the excepting words in the sixth section of the Act of March 3, 1853, introducing the land system into California (10 Statutes, 246), clearly denote that Congress did not treat lands in the condition that these were at the time of the location of the road, as a part of the public domain. They were not in a condition to be acquired by individuals or granted to corporations. This

section expressly excludes from pre-emption and sale all lands claimed under any foreign grant or title. It is said that this means "lawfully" claimed; but there is no authority to import a word into a statute in order to change its meaning. Congress did not prejudge any claim to be unlawful, but submitted them all for adjudication. Besides the Act of March 3, 1853, which submitted to settlement and purchase the lands released by the operation of the previous law of 1851, there was a general law (Id., 244), passed on the same day, which conferred upon a settler on lands theretofore reserved on account of claims under foreign grants, which have been, or should thereafter be, declared by the Supreme Court to be invalid, the rights granted by the pre-emption law, after the lands should have been released from reservation—a class of lands which it had been the policy of the Government to reserve until all claims thereto of that character had been adjusted. (See Act or 1811, 2 Statutes, p. 664-5, secs. 6 and 10.) This authorized act of pre-emption so conferred, clearly implies that no rights previously attached to lands by reason of their settlement and cultivation prior to the rejection of such claims.

It is unnecessary to dwell longer upon this question or to review subsequent statutes touching the Government lands in California. It suffices to say that there is nothing in any of them which weakens the construction we have given to the Act of 1851. This controversy depends upon that act and the Pacific Railroad Act which we have cited.

The appellee invokes the doctrine that judgments of a court during a term are, by relation, considered as having beed rendered on the first day thereof. There is a fiction of law that a term consists of but one day, but such a fiction is only tolerated by the courts for the purpose of justice. Gibson vs. Chouteau, 13 Wallace, 92. To antedate the rejection of a claim, so as to render operative a grant which would be otherwise without effect, does not promote the ends of justice and cannot be sanctioned.

As the premises in controversy were not public lands,

either at the date of the grant or of their withdrawal, it follows that they did not pass to the railroad company.

THE DISSENTING OPINION OF JUSTICE FIELD.

Mr. Justice Field, dissenting, said: I am not able to agree with the majority of the court in this case. The only lands excepted by Congress from its grant to the Western Pacific Railroad Company consisted of sections within certain limits, which at the time the line of the road was definitely fixed, had been "sold, reserved, or otherwise disposed of by the United States," or to which a pre-emption or homestead claim had then been attached. The exception was intended to keep the public lands open to settlement and sale until the line of the road was established. I cannot understand how the presentation of a fraudulent claim to any portion of the lands within the limits designated, founded upon an invalid or forged Mexican grant, could change the character of the sections as public lands, or impair the title of the company, or have any other effect than to subject the company to the annoyance and expense of exposing and defeating the claim. Nor can I perceive the bearing upon the case of the Act of March 3, 1853, "to extend pre-emption rights to certain lands therein mentioned:" for that Act applies only to pre-emption rights, and by its terms is limited to lands *previously* reserved.

I think the judgment below should be affirmed, and Mr. Justice Strong concurs with me in this opinion.

In this case our U. S. Senator, Hon. A. A. Sargent, and our Representative, Hon. H. F. Page, labored assiduously for the people, and they have received high encomiums from their constituents. The decision was immediately telegraphed in these words:

"Washington, D. C., May 8, 1876.

"J. K. Doak, Stockton, Cal.

"Newhall vs. Sanger decided in favor of the settlers.

"NEWTON BOOTH."

"Washington, D. C., May 8.

"H. S. Sargent, Stockton, Cal.

"Case of Newhall vs. Sanger decided for the settlers. Sustained in every point. "H. F. PAGE."

When the news of this decision was received every heart was gladdened and every eye beamed with delight, for the heart is glad when justice triumphs and injustice is defeated. The settlers were wild with joy, and well they might be, for there were their homes, and around them clustered all that was near and dear to them on earth. There children were born to them, and there for years they had toiled to rear their families; and they were glad, too, that crime had not come, for men are human, and the oppressed crushed to earth in a just cause may arise in power. Fire is a fearful avenger of human wrongs, and with its red-tongued roar licking up the golden wheat, enveloping in flame the well filled barn and scorching to death the goodly orchard, would defeat all the gain of a master.

The settlers are peaceful men, but those pioneers of '49 are not to be trifled with nor robbed of their rights with impunity. On receiving the news of the decision of the Supreme Court they were so elated and anxious to have every one else in the same happy mood, that they celebrated the occasion, on the 19th of May, 1876, at Lodi. Mr. J. D. Schuyler of the Stockton Independent was present, and gave the following account in the issue of May 20th:

"They decided at that meeting to hold a grand barbecue and picnic at Lodi, situated on the grant on Friday (yesterday.) They entered heartily into the measure and expected to have a general good time among themselves. They were hardly prepared, however, for the blaze enthusiastic sympathy which their enthusiasm had kindled in this city, and were surprised to find that Stockton joined with them heart and soul. Her citizens made preparations to attend the celebration almost en masse. Her

merchants unanimously agreed to close their business houses, which action was followed in the wake by that of the banks, the schools, the saloons and other institutions. It having been announced that the first train for the picnic grounds at Lodi would leave the city at 9 A. M., the Stockton Guard, Firemen, Knights of Pythias and other organizations which had accepted invitations and made arrangements to attend, were promptly on time, and throngs of people from all directions were on their way to the depot long before that hour. The city presented a general holiday aspect, and for a time the rush to the cars was so great that it seemed the city would be literally deserted. About half past nine o'clock the train, consisting of twenty-two cars, started. It was estimated that the number on board was not less than fifteen hundred, and many remained behind because of inability to obtain even standing room. The Guards were in full uniform and were as attractive and much admired as usual. Headed by the San Joaquin Band, the Guards escorted the various other organizations to the train. Another train followed at 11.20, and besides many took passage on the regular overland train which started at 12.40 P. M. In addition to the great numbers going by rail every horse and vehicle obtainable was pressed into service, and altogether, there never was before witnessed in Stockton such a sudden and large exodus of pleasure-seekers on any occasion, which all goes to show the wonderful feeling prevailing the community at the final triumph of right and justice.

AT LODI.

On the arrival of the first train from Stockton, carrying 1,500 to 2,000 persons, the Stockton Guard formed in line at the depot and marched to the grove, preceded by the San Joaquin Band and followed by the Fire Company. A stand had been erected on the grounds, covered by an ample canvas. After music by the band

HON. H. S. SARGENT,

President of the Day, announced to the assembled multi-

tude the object of the occasion, and stated that a Secretary and Vice Presidents would be chosen. James Huffman was nominated as Secretary, and for Vice Presidents, Rev. Yager, Andrew Wolfe, E. Fiske, P. Sanders, Joseph R. Cole, C. Swain, H. C. Shattuck, John Grattan, E. Harrison and James Cole were placed in nomination, elected by acclamation and took their seats on the stand.

JUDGE J. H. BUDD

Was then introduced and made a brief but stirring and eloquent speech, giving an outline of the history of the case which occasioned the great rejoicing, in substance as follows: Fellow-citizens: The booming of cannon, the waving of flags, the glad sound of music and the immimmense concourse of people express more forcibly than I can do it the feeling of the justice of the cause which we are here to celebrate. The history of the long struggle of the people against the avaricious grasp of land monopolists has been a most interesting one. The land monopolist endeaved to wrongfully appropriate the land which the settlers had, by long and patient toil, reclaimed from the barren waste, making the "wilderness to bloom as the rose." After settling in their peaceful homes for years, feeling the perfect security which should have been theirs, they were astonished to see a corps of engineers, headed by Colonel Von Schmidt, marking out the lines of a pretended grant, called the Chebolla grant, covering the homes of hundreds of settlers in this county. After a struggle involving years of costly litigation the unjust and fraudulent

CHEBOLLA GRANT

Was removed, and the people rejoiced as they are rejoicing to-day and they congratulated themselves that they would never be troubled again, that their rights were secure and their homes insured to them free of future molestation. But alas there came another. I refer to the grant Los Moquelemos, to Andres Pico, covering this very territory. It received the indorsement of the District Court of San

Francisco, but the U. S. Supreme Court being then as now free from corruption, repudiated the false claim, and again the people thought they were free from the land monopolists. But they were again mistaken. In 1862 a road received a grant of land to aid its construction eastwardly from Sacramento to Dutch Flat and over the Sierras. They had no shadow of right to build a road in this county, and Congress in granting the land had no thought to give a grant to build a road here. A contract was drawn up between Charles McLaughlin, who claimed to be a contractor, with the institution known as the Contract and Finance Company. A company was formed, to which the Central Pacific Railroad Company said: "Give us the bonds which you expect to steal from the Government and we will give you the land." When the Devil took up our Saviour into an exceedingly high mountain he promised him a large quantity of land if he would fall down and worship him. The Devil didn't own a foot of the land, and had no right to give it away. The Central Pacific Railroad had no more right to give away these lands to McLaughlin than the Devil had, but they got a ratification of the contract, and on that

MCLAUGHLIN OBTAINED A CERTIFICATE

From the General Land Office. It was believed by the settlers that the railroad company had no right to the lands, and they determined to again buckle on their armor for the vindication of their rights. Hon. R. C. Sargent first started the fight, other citizens united with him, and they appealed to the Secretary of the Interior, who declared that the railroad company had no right to a foot of land in this county. The settlers supposed that finally ended it. They were again mistaken. The power of money is almost omnipotent and it was liberally used in this case. After the case had been fought, after the decision had been rendered, after patents to the land had been issued, Secretary Delano reversed his decision, and said the land belonged to the railroad company. Their men were seen among the

farmers, actively at work urging the settlers to settle. They only proposed to give them a quit-claim deed, and they succeeded in inducing many people to take their quit-claim deed for lands they never owned. McLaughlin then prepared an agreed case. Mr. Newhall, a nephew of McLaughlin, sued Sanger, a brother-in-law, and a default was taken. It was appealed to the United States Supreme Court in the hope to get a final decision in the same quiet and secret manner. Judge C. L. Robinson (since deceased, all honor to his name) made the discovery of the manner of the proceedings, and notified the settlers, who agreed to defend the Newhall case, and prevent the wished for judgment by default. Newhall suddenly found he had more friends than he desired, more advocates for his cause than he wished, as he was too anxious to be defeated, and when the decision came sustaining his title to the land, and with it the title of the hundreds of settlers now living upon the grant, it was to him like a clap of thunder in a clear sky, filling him with astonishment. It is that decision which we are here to rejoice over. The vindication of principle is always a fitting subject for rejoicing. The speaker referred to Hon. S. A. Booker in high terms as a man, the purity of whose ermine is without stain, who in the consideration of justice regards neither friend nor foe, but decides for the right. (At this point the speaker paused and three hearty cheers were given for Judge Booker.) When purity sits on the bench of justice the people may well rejoice, for they know that the spirit of the law will be observed and administered with the temper of justice. The speaker eulogized the Representatives of California in Congress as having sympathized with the settlers with unfeigned earnestness from the first. He closed, congratulating the settlers and recommending to all that they rejoice with a great and happy rejoicing and make the welkin ring with their gladness.

After the close of the speech hearty cheers were given for the Judges of the United States Supreme Court, and the audience prepared to enjoy the results of the barbecue.

A trench had been dug on the grounds over 100 feet long, in which a fire was burning and over which were suspended the beeves, sheep and hogs, roasted to a turn. The meat was well cooked and enjoyed, although, notwithstanding the large quantity provided, it proved insufficient for the feeding of the multitude present. The throng was immense, although it was impossible to approach a correct estimate of the number, it being variously estimated from 8,000 to 15,000 people, the former figure being the lowest possible approximation to them. Every farm house and hamlet throughout the surrounding country for a radius of fifteen or twenty miles around, was represented by almost its entire population. Dancing was indulged in throughout the day. A base ball match was begun between the Yosemite Club of Stockton and the Woodbridge Club, but after two innings and a score of 11 to 4 in favor of Woodbridge, the game was compelled to suspend on account of the dense crowd of lookers-on closing in on them and blockading their movements. The races were difficult of performance for the same reason. The weather was all that could have been desired, the heat being tempered by fleecy clouds, and a cool wind from the west which freshened into a stiff breeze late in the day, blowing the sand and dust about in a rather disagreeable manner. The best of order was preserved on the grounds, there being no disturbance of any kind manifested nor was there an accident or any fortuitous circumstance to mar the pleasure of the day.

About four o'clock the crowd began to disperse, the farmers scattering to their homes, but no great impression was made on the throng until the leaving of the Stockton train at six o'clock, loaded with at least three thousand people. A grand ball at the Spencer House in the evening was to have concluded the programme of this, the most enthusiastic and largest gathering ever known in this vicinity. The occasion was a great and important one and fittingly celebrated.

One little incident occurred favorable to the cause of

temperance. The committee having a water cart holding about 800 gallons, filled it with claret punch, and be the omen good or bad, the stop cock was not turned tight, and the red liquid sprinkled the ground from Stockton to Lodi, fourteen miles.

This celebration was the largest ever held in San Joaquin county, and the streets of Stockton were actually deserted, not twenty men being seen on the street during the day. The grand outpouring of the people was but a ripple on the ocean of Justice, indicating that the rights of men are being regarded as of superior importance. Too long have perfect titles been clouded by thieving litigants, and too long have fraudulent titles been made to appear genuine, but the sky is becoming clearer and Justice is asserting her power.

CHAPTER VI.

CAPTAIN CHARLES M. WEBER.

Three hundred and fifty years ago the state that now ranks foremost in the Union was unknown. The waters of the broad Pacific dashed its spray upon the shore and sang its own mournful strain. The majestic forests of mountain and valley swayed to and fro in the breeze, silent yet beautiful in their grandeur. The mountains, concealed by their carpet of green, contained within their hidden recesses the golden treasure. The earth in all its luxuriant richness brought forth plants, fruits and flowers, only to blossom and decay. Nature, with her streams available for commerce; her forests, matured for the use of man; her soil, prepared for the culture of the golden grain; and her gold, awaiting the sound of the pick and shovel, was planting, blossoming, decaying, and again each year renewing her handiwork. Man only was wanting to utilize her works and develop her resources. She seeks not in vain,

for, in the fifteenth century, he lands upon the Mexican shore, and conquering the Aztecs, subjects the people and not the soil. For two centuries longer Nature waits, and again she hears the footsteps of civilized man, who comes not in the panoply of war, but with healthy brain and strong arm, to cultivate the soil, establish government, erect dwellings, found societies, and find a resting-place beneath the sod that every Spring makes green the memory of the pioneer.

Among the oldest pioneers of the state is Captain Weber, and in a sketch of his life we have a history of Stockton in its infancy; and from its incorporation in August, 1850, up to the present time, his name in some manner is connected with public and private affairs. His past life has been a succession of events which may best be divided into five distinct periods, and I shall, as far as consistent, review them in chronological order. He is first known in political life as a soldier, serving the Government with honor and distinction during the Mexican War. An account of his military career will be found in the chapter entitled "The Conquest of California."

Charles David M. Weber was born on the 16th day of February, 1814, in Hamburg, Department of Mont Tonnere, under the Emperor Napoleon I. His parents were of German lineage. His father was a Protestant minister and he expected to see his son also study for the ministry. His house was a house of prayer, and in early life the teachings of young Charles were "Peace on earth, good will toward men."

Charles was early sent to the common school, and rapidly progressing in his studies soon entered an academy where he was taught the ancient languages and French, which is the social and diplomatic language of Europe. He also each day received several hours' private instruction, so that he might be prepared for the German universities at the proper age. But in Europe, as in America, the mind of the pupil is often taxed beyond its strength; and, on the threshold of the University, his mind, overstrained

by hard study was unable to retain the lessons of the text, and he was obliged to leave school and turn his attention to other pursuits. His mind, after rest, again became strong, and is now retentive and clear regarding events that happened thirty or more years ago. The loss of his memory compelled him to forego the pleasure of drinking deep at the fountain of knowledge, and he now engaged in business. His time was not, however, entirely engrossed in commercial transactions but his mind had been trained in political as well as in other sciences, and the young man was interested in the revolutionary events then taking place, he taking an active part. These events are not within the scope of this work, but during Captain Weber's early life some of the most important events in European history took place. These events made a strong impression on his mind, and we see the result in his future life. He was in business but a short time, when his thoughts were turned to "the home of the free." His uncle, Judge Hilgard, a gentleman of fine scholarly attainments, whose son is now a Professor of Agriculture in the State University at Berkeley, had resigned his high office of Judge of the Court of Appeals and President of the Court of Assizes, and emigrating to the United States, had settled in Belleville, Illinois.

Methinks there is at times a destiny which forces a man to walk in an unseen pathway, that at last he may reap the harvest, as time moves along. Weber, with his comprehensive practical views of life, his love of liberty and adventure, looked away from the home of his childhood, where the citizen was crushed beneath the yoke of a military power, to that New World where the persecuted Pilgrim had gone before. Born amid culture and refinement, educated where education is compulsory, familiar with horticulture, and drilled in the military school to which all German boys are subjected, Weber by birth, education, and practical example was well fitted to lead where others might follow in founding a large city and developing the resources of a fertile country. Enthusiastic with the

thoughts of freedom, his soul expanding with bright anticipations of the golden results that might be accomplished in that land where to be a citizen was a greater honor than to be a king, he resolved to bid adieu to the land of despotism, strife and bloodshed, and join his uncle in the Prairie State. Accompanied by a cousin, he took passage on a vessel bound for the United States.

The young men reached their destination, New Orleans, in the Winter of 1836, intending to sail up the Mississippi, but the great river was blocked with ice and navigation was stopped. His cousin concluded to push on for Illinois by land, but Weber remained in New Orleans and again became interested in traffic and merchandise. In 1837 the yellow fever appeared in the South, and among its victims was Weber. After his recovery he went to Texas, and while engaged in military life against the Mexicans he was again taken sick, in 1840, and by the advice of his physician determined to seek a cooler climate. As he had not yet seen his uncle since his departure from Europe he concluded to pay him a visit. Leaving New Orleans in the Spring of 1841 he arrived at St. Louis on his way to Belleville, Ill. St. Louis was at that time the depot of supplies for all westward immigration. Here parties of immigrants bound for the southwest could supply themselves with all articles necessary for their long, tedious journey, and trappers and hunters could also here find everything necessary for their expeditions in the Rocky mountains These parties would leave in the Spring of the year, as soon as the grass was of sufficient growth for feed for the horses and cattle.

When Weber arrived in St. Louis he naturally became interested in the current topics of the day, and soon learned that the wonderful resources of the Pacific slope were attracting emigrants by the hundreds to that unknown shore. Oregon was the point toward which most of the tide of emigration was drifting. The war of 1812 and the disputed boundary line between the British possessions and the United States gave this part of the Union a prominence, and as soon as its resources were known it fast filled up

with emigrants from the older parts of the country. Besides this route to Oregon emigrants and trappers were traveling over another. Among these was Dr. John Marsh, the first pioneer of the San Joaquin valley. He was born in Danbury, Mass., in 1802. His parents sent him to school, and being a bright scholar, he soon qualified himself for the severe mental discipline of the University. Entering the Harvard medical school he graduated with honor. Being naturally of an uneasy roving disposition, he did not remain long in his chosen profession, but went to the West, where he became acquainted with the trappers of the Rocky mountains, and joining them in their expeditions, he soon became very skillful with the rifle—a very necessary accomplishment for the trappers, who were continually meeting the wild Indians in their travels. Again he tired of this occupation, and became an Indian agent of the Sioux tribe in Minnesota. He resigned this hazardous office and sailed down the Mississippi for the far West, for in his childhood he always said, "I shall make my home beyond the Rocky mountains." From St. Louis caravans of merchandise were being transported to Santa Fe, and joining one of these expeditions he arrived at the capital of New Mexico, and afterwards journeyed to Los Angeles. For five years he traveled, practicing his profession for a portion of the time, and, in 1839, he purchased a tract of land, known as "Los Meganos." Here he built a house and cattle corrals. This grant is on the side of Mount Diablo, and only a short distance from Antioch. He lived in this place until 1856, when he was murdered by three Mexican vaqueros. In 1851 his nephew, Mr. James Marsh of this county, on coming to this state, remained for some time with his uncle, and at his death, settled the estate. Of him we learn this brief sketch of Dr. Marsh. He was murdered by being lassoed by two Mexicans, who dragged him from the buggy while riding to Martinez, and strangled him. In the character of this pioneer we have a singular anomaly to that army that followed him fifteen years later. He is said to have been very

careless of his own safety, refusing to carry a weapon at any time. Fifteen years ago the pistol and bowie knife were considered as indispensable. In his financial dealings he was close and penurious. Fifteen years later found men as lavish of their gold as the waters that on to the ocean run. He will not be remembered from this unfortunate defect of character but from the grand descriptive letters to his friends in St. Louis, giving glowing accounts of the resources of California. The spirit that never would rest content until its work was accomplished urged him into California, his bright intellect and glowing thought brought him to the coast, and his work being done he sleeps in peace on this side of the Rocky mountains.

Articles from other sources were also published, telling of the beautiful climate and scenery of California, and the papers publishing these letters created in the public mind a strong desire to see this wonderful coast. Of an observing disposition, Charles Weber saw the preparations being made to go to the new fields. He read the articles in the papers of the day and had heard the reports of the richness of the Pacific coast. Impulsive, as all young men are, and being anxious to see the new El Dorado he resolved to join the emigrating throng. The doctors had advised him to try a cool climate—and would not the cool bracing air of the Rocky mountains be more beneficial than the climate of the level state? He thought it would; and when he has formed an opinion it is not easily changed. The question to him was one of deep moment and must be decided by him alone. A stranger in a strange city, he must think and act alone. The time is short, and his visit to his uncle must be deferred until his arrival again in New Orleans. It is his intention to visit California, take vessel to Mexico, and then to return from here to Louisiana. Already the large caravan of the year has started; but one outfit for that far off land yet remained, that of Joseph Childs and his trapper friends, and they intend to overtake the advance party near the border line of the Indian Territory, now Kansas. This large body of emigrants contained parties for three sepa-

rate points; the first party was bound for Oregon, the second contained a number of Jesuit priests, zealous in the cause of Catholicism, who were going among the Indians of Idaho to establish missions in the interest of their church; the third party, which Weber joined, was going to California.

The route of these parties lay in the same direction until they reached Fort Hall, near Salt Lake. Here the California party bade adieu to their companions, and started on their unseen course. Well may this be compared to the triumphal march of the conquering heroes, coming, not in the panoply of war, but with the olive branch of peace, to subdue the soil, make peace with the Indians, build dwellings, and in due time help to mould the government of this western state into symmetry and life. This party consisted of the following pioneers:

Captain J. B. Bartelson, captain of the party, deceased.

John Bidwell, non-partisan candidate for Governor in 1875, residing in Chico.

Joseph B. Childs, residence unknown.

Josiah Belden, since Judge in Santa Clara county, his present residence.

Charles M. Weber, of Stockton.

Charles Hopper, of Napa county.

Henry Huber, of San Francisco.

Mitchell Nye, still living.

Green McMahon, of Solano county.

Talbot H. Green, Ambrose Walton, John McDonnell, George Henshaw, Robert Ryckman, William Belty, Charles Flugge and Gwin Patten went back to the states. Benjamin and Andrew Kelsey were killed by the Indians. James, John and Henry Bolaski and James Dawson were drowned. Major Walton was drowned in the Sacramento river. George Shotwell, John Schwartz, Grove Cook are dead.

D. W. Chandler, Nicholas Dawson, Thomas Jones, Robert Thomas, Elias Barret, James Springer and Thomas Rowland were also of this party.

In the party Mrs. Benjamin Kelsey was the only woman. She was the first American woman who crossed the plains.

Starting from Fort Hall without any guide, they came by the way of Mary's river, now called the Humboldt, to the Carson river, and from the latter, by a branch of Walker's river, they reached the top of the Sierras. This river was named after a trapper by the name of Walker, who left St. Louis in 1831 and trapped for two years in the mountains. He then crossed the Sierra Nevadas and wintered in the San Joaquin valley. The pass through which he crossed is called Walker's pass. Walker trapped in the mountains for many years, but after the discovery of gold he came to California. He died a few years since in Contra Costa county. Descending the western slope of the Sierra Nevadas, the party were frequently lost in the canyons of the Tuolumne river. Reaching the foothills before the heavy snows of Winter[4], they entered the San Joaquin valley, and, following the Stanislaus and San Joaquin rivers, they soon arrived at Dr. Marsh's, in November, 1841.

After that long journey they rested a few days and then disbanded. Each individual started for the locality best suited to his fancy. Weber, before his departure from St. Louis, had letters of introduction to Captain Sutter given him, and in company with a companion he started for Sutter's Fort to make the acquaintance of the Captain. In passing over the country they were much struck with the beauty of San Joaquin county, and Weber became interested in the spot, and with thoughts of future business plans he remembered the locality and its surroundings. Arriving at Sutter's, Weber was taken into his employ as overseer, and remained with him during that Winter. He found a quantity of seeds which had been presented to Captain Sutter as tokens of friendship and good will, sent to him by Wm. G. Ray, of the Hudson's Bay Company, the Russian agent at Bodega and captains of vessels on the coast. Weber soon established the fact that the valleys of the San Joaquin and the Sacramento were capable of becoming the paradise of fruits and flowers. By the permis-

[4] See appendix.

sion of Sutter Weber had the land near the fort prepared by Indians and planted the seeds. The trappers and Indians were highly delighted to know that the tobacco plant could be raised in the valley. In the following Spring Sutter's Fort became the first garden spot of the Tulare valley, the name being given to the region of country between the mountains and called by the natives Valle de los Tulares (the Valley of Tules).

In the Spring of 1842 Weber resolved to visit the Spanish settlements, and again riding through the valley examined the different localities more minutely, and resolved to make this beautiful section his home, provided that he could obtain a title to the land. When he arrived at the pueblo of San Jose he formed the acquaintance of William Gulnac, and during that year he formed a partnership for carrying on a general commercial business.

"William Gulnac," says Hall, "was born in New York in 1801. He learned the blacksmith trade. Having a fancy for the sea he sailed around Cape Horn and settled in Lower California in 1819. Here he married a Mexican girl and afterwards, in 1833, settled in San Jose. He became a subject of Mexico, and became entrusted with considerable business connected with land grants." His partnership with Weber was of short duration, as he was averse to labor. He died in 1851. These two men established a store and commenced a general merchandising business. They also started a flour mill, the first one run by water in San Jose. One or two mills had been run by horse power before this, in mills called *arastras*.[5]

Situated as Stockton is in the center of a vast grain growing district, that is now her wealth and is to be in future her source of revenue, it is of interest to know that he who first owned the soil was the first dealer in the wheat which now makes the country so important in the commercial marts of Europe.

This mill, although a primitive affair, was a source of

[5] See appendix.

much profit to its owners. The firm engaged also in the manufacture of their own flour into sea bread, sea crackers, etc. This bread was in great demand by the merchant vessels and whalers that came to this coast. During the Mexican war Weber, the miller and baker, was a very important person. The Mexican ports were closed to the United States navy, and the only place on the Pacific coast where supplies of bread for the navy could be obtained was of Weber. In October, 1846, Weber sent word to Captain Montgomery of the Portsmouth, that he had one hundred *arrobas* of bread on hand, an *arroba* being 25½ English pounds. The vessels were taking supplies for a cruise down the coast to San Diego and Los Angeles, and on the 19th of October Weber received orders from Thomas O. Larkin, the Vice Consul, to send him 26,000 pounds at once. This order was immediately filled, the ship's boats coming up to Alviso and transporting it to the vessels. The firm also started a blacksmith shop under the direction of Gulnac, and salt works were also started at a point near where the town of Centerville, in Alameda county, now stands. These salt works are still in existence. The old adage about "too many irons in the fire," seems to have been a paradox in the operations of this extensive firm, for they added another branch, that of boot and shoemaking, to their other business. The Californians then wore moccasins made of smoked elk and deer skins, prepared by the Indian squaws of the trappers. In course of time Sutter started a tannery at the fort, and Weber obtained a supply of leather from him. Occasionally he would find a roll of leather on board some merchant vessel, and this was quickly purchased. Before many months had passed Weber found that his choice of a partner had not been a judicious one, as Gulnac was addicted to the habit of drinking, and neglected his business. After obtaining the consent of his creditors, Weber took the necessary steps to have the partnership between himself and Gulnac dissolved, at the expiration of twelve months Weber paid Gulnac for his interest in the business, partly in flour and partly in money. Weber continued the business and was very successful.

At this time Yankee vessels would sail from Boston to California on a three years' cruise, bringing with them large quantities of cotton goods, Yankee notions and other articles, such as would be in demand in a new territory. In exchange for these articles they would take hides, tallow, horns, etc. Vessels also came from the Mexican ports laden with the products and manufactures of that warm climate. They also would barter these goods for hides and horn, which they sold to the Yankee vessels, and for tallow, which was carried to Mexico, where it was used for culinary purposes. The Hudson Bay Company allowed their men to speculate on their own account. The men exchanged the company's supplies which had been issued to them, at a stated price, for elk, deer, otter and beaver skins, and sold them to the company. Weber bought goods of all these parties, and they in turn purchased flour, crackers, salt, etc., from him. By these means of exchange Weber did a large business for several years. That systematic method of planning that has always characterized his life was adopted and he purchased a ranch on which to keep his stock as fast as he purchased it. This ranch is thirteen miles southeast of San Jose, and is known as San Felipe ent Los Animas. As fast as he obtained money from his business, he purchased stock, to be driven at some future time to the east side of the San Joaquin river.

During the partnership between Weber and Gulnac, in 1842, as they were discussing the revolutionary movements of the Californians in connection with land grants, Weber asked Gulnac to assist him in acquiring a grant on the east side of the San Joaquin river. Weber could not petition for a grant in his own name, as he was an alien, the Mexican Government requiring all grantees to be Mexican subjects. Gulnac agreed to obtain the land for himself and Weber as part owner, he to present the petition for himself and family, to the Governor at Monterey. Governor Micheltorena, having received full power from the central government at Mexico to give grants of land, a

petition was drawn up in due form, to "His Excellency, the Governor of the Department of Both Californias," and Gulnac, taking this petition, which was written on the 14th of June, 1843, went to Monterey. He met the Governor on the way from Monterey to Sacramento. The Governor signed the document July 25th, asserting in writing that "the person interested may apply at the first named point, obtaining first the report of the Prefecture of the First District," Don Juan of Sutter, the nearest magistrate to the place, having certified that "the land is not occupied by any person," the Prefecture, Jose Ramon Estrada, found no objection to the lands being granted to Gulnac. This report was signed at Monterey, in September, 1843. On January 13, 1844, Governor Micheltorena granted the eleven square leagues asked for to Gulnac and his family, consisting of a wife and seven children. This grant was approved by the Departmental Assembly, sitting at Los Angeles, June 15, 1846. Having seen the petition for, and the confirmation of the "Campo de los Franceses" grant, we will notice the failures in settling upon it. On his return to San Jose, Gulnac, his son, and Peter Lassen, after whom Lassen county is named, drove a small band of cattle and horses toward the new green pastures. This stock included only a few hundred head, and belonged to Gulnac, Weber, Lassen and others. It was driven to the grant asked for, in order to comply with the Mexican law. They left San Jose in the Fall of the year, as at this time only was the San Joaquin river fordable.

To those who now cross this river on the swiftly drawn car or ferry boat, the transit is easy and pleasant compared with that of fording. Those who are acquainted with that locality know that for a distance of three miles on the west side of the river the country is flooded during the Winter months, stopping all travel except by rail. The flooded country, together with the rapid current of the river, made it very dangerous for any one not acquainted with the currents and surface of the overflowed land to cross. Captain Weber kept constantly a few horses that were the best

swimmers, so necessary was it to have well trained, safe horses. Crossing the river near the present railroad bridge, they arrived on the grant and camped near the present city of Stockton. They found plenty of water and fuel, but the trappers of the Hudson's Bay Company had left for the year, and they were afraid to remain on account of the Indians, so by the advice of Gulnac they drove their stock to the cosumnes, where they were under the protection of the fort.

Weber, hearing of the change of plan and having business with Captain Sutter, rode up to the fort and inquired for the Indian chief Jose Jesus, who has been mentioned before in this work. Weber desired to make a treaty with him and his tribe, not alone for himself, but for all of the American settlers. A runner was sent to the chief, and he soon arrived. A treaty was soon formed, and up to the time of his death Jose Jesus was a true friend to all the settlers except the Mexicans. Against these he had a bitter hatred, and in the Mexican war which followed, he and his tribe fought in aid of the American cause.

By this treaty no danger was to be feared from the Indians, and the stock was driven back to the grant, and a settlement of tule houses was began, within the limits of what is now the city. On the 3d day of April, 1845, Gulnac disposed of his interest in the grant to Don Carlos Maria Weber. This sale was approved by his wife, Maria Isabel Casena de Gulnac and his five children, each one signing his or her name to the instrument. By this sale Weber became the sole owner of the grant, and he now desired to have the grant settled; but a disappointment was in store for him, for the Indians took the smallpox and hundreds died. The remedy of these poor heathen for the cure of the disease was worse than the disease itself. They would dig a large hole in the ground, with a small opening at the top for the escape of smoke. They then built a large fire inside, and after the ground became heated closed the entrance and thus produced a profuse sweat. These "Indian sweat boxes" were always near a stream, and when the patient

had perspired sufficiently he would rush out and plunge himself into the water. In the case of smallpox or fever this was almost always the cause of instant death. One after another died until those who survived fled from the vicinity. At the first appearance of the disease the settlers all fled to San Jose, leaving only one white man here, and that was Mr. Lindsay. The Loc-lumna Indians, living in what is now Amador county, swooped down upon the unguarded stock and murdered Mr. Lindsay on the point that now bears his name, fired the buildings and drove off all the stock. From this and other causes Weber had great difficulty in forming a settlement. He had lost by this and other disasters considerable money and time, but, not in the least disheartened, he endeavored again to fill the locality with settlers. But men could not see the future as Weber saw it, and fear of the Indians and the smallpox, and other causes kept them from accepting the liberal terms which he offered. Finally, however, in 1846, a few families under the leadership of Napoleon Schmitt located here. This embryo settlement gave promise of a successful future, when the news of the Mexican war broke up the plans of the young colony, and Weber, fearing for the families on the grant, had them all removed to the lower settlements. Up to this time Weber had been residing in San Jose, visiting this locality occasionally to direct and increase the prosperity of the settlement. Regarding the difficulty of establishing a colony upon this grant, a writer in the Stockton *Times*, in 1850, says: "Having been a resident of California for many years, and having known Mr. Weber for four or five of them, I venture to say that there are but few Americans now in this country who have lived here for any length of time that have not been recipients of favors from that gentleman. There had been a large number of grants given in what is called the San Joaquin district, but none had the hardihood to settle their grants till 1846. It was next to impossible for Weber to get men enough to offer any protection against the Indians, and everybody thought the risk too great for the benefit re-

ceived. Mr. Weber had succeeded in getting a few to settle with him, among whom I can recollect B. K. Thompson and Andy Baker; and finally, after losing cattle and horses, and paying an extravagant price for labor, he succeeded in establishing a ranch where Stockton now stands. And the reader must bear in mind that at that time the gold mines had not been discovered, and consequently there was no prospect for a town. Mr. Weber is and always has been one of the best friends the Americans ever had in California, and from his devotion to them was taken prisoner, and was ever ready to risk his life in their cause."

This correspondent has reference to the time when Weber was taken prisoner by Castro in 1846, while in his store in San Jose. Weber continued his business in San Jose until 1849, when he disposed of all his property there in a very remarkable manner to Mr. Frank Lightson, who had been his faithful clerk for several years. That gentleman was betrothed to a Mexican señorita known by Weber from childhood, and on their wedding day Weber deeded to them all his property in San Jose including this store, as a wedding gift, a present which was to them a life lease of happiness and comfort, as far as money is concerned. Since that time Weber has been devoting his fortune and all the energies of his active life to the interests of the city of Stockton.

CHAPTER VII.

As I have said in a sketch of the life of Captain Weber we have the history of Stockton in its infancy; and we now go back to 1847. In this year, although he had financial interests in San Jose, Weber took up his residence on the peninsula, and claimed it from that time till the present as his home. Thousands of head of cattle and horses were driven from the rancho near San Jose to this grant, and "rodeo" grounds were built for the purpose of handling

the stock. "Rodeo" grounds are large corrals in convenient localities with smaller corrals attached to or near them. When the stock raiser desires to collect his herd, he drives it to this *rodeo* ground. By being constantly driven to the same place the stock become accustomed to it, and when they hear the peculiar sound made by the vaqueros in driving, the wild animals will all start for this ground.[6] As a large number of cattle were scattered over a great extent of territory, he built corrals in five different localities of the grant, viz., near the Five Mile House, lower Sacramento road; at Oak Grove Cottage (Mr. John Moore's), near the Marsh farm; one at French Camp, and one at Stockton.

The "rodeo" ground *here* differed from the others in its purpose and construction, as it was intended also as a fortification against the depredations of Indians and robbers. Conversant with military engineering, he selected the peninsula as best suited in every way for his purpose, and after erecting a few *tule* cabins, he built a stockade across the peninsula, from Stockton channel to Lindsay channel, and cut a wide ditch upon the outside. This defense was built lengthways of the street now known as Center. Within this enclosure were driven each evening the valuable animals, composing his saddle horses and about 100 milk cows.

A gentleman from the East being on a visit to Weber was informed that elk were plenty; so plenty in fact that they could be driven up at any time with the cows. These elk, however, had been captured when young and being put with the cows, the mother and foster calf took kindly to each other.

To supply his men and to trade with the settlers, he established a small store, and in his absence Eli Randall acted as his salesman. The labors of the past few years were bearing fruit, and success was now assured, for under a sound constitutional government settlers were locating per-

[6] See Appendix.

manently upon the grant, and were engaging in the various occupations of a civilized community. To induce settlers to locate here, Weber offered inducements such as if offered now by the monied kings of California would help many a worthy young man to start in life, increase population and be a sure cure for Hoodlumism. The inducements offered were a block of land in town and a Spanish section of 480 acres in the country. Many of the settlers accepted this offer, among whom was Joseph Bussel. He owned block 1, and the ranch best known as the Sarles and Dooley place on the Calaveras river. In some cases Weber gave seed, feed, implements and horses to cultivate the lands which he had furnished. Order and system being a part of Weber's plan, the grant was surveyed and sectionized and a village plot was laid off on the south side of Stockton channel. The survey was made by Jasper O'Farrell, a deputy of Walter Herron. In locating this village, it was the intention of the proprietor to secure the safety of the colonists against the encroachments of an enemy, and for that object, all of the settlers lived within the village. Nothing of importance occurred to excite the interest of the quiet little village that slept alone in the great valley, until Winter, when the news came that the Indians of the mountain rancherias had again been stealing horses from the lower settlements. The Indians were great horse thieves, and it was their custom to steal a large herd and drive them to the mountains, and then inviting other tribes to join them, kill the animals and have a feast. In the Fall of 1847 they made a raid on the settlers in the Livermore, San Ramon, Martinez and Pacheco valleys, and stole most of their horses. These settlers sought Weber's assistance in regaining them and punishing the guilty tribe. A number of settlers and Californians, who had been fortunate enough to keep their horses, came to assist in the pursuit, bringing with them a document addressed to Weber from James Weeks, Alcalde of San Jose, authorizing him to arrest the criminals even though it became necessary to resort to arms.

Making hasty preparations for the expedition, he collected about 200 men, mostly friendly Indians, and started during the last of January to find and punish the hostile tribe. The ride across the country was tedious, the horses sinking deep in the soft mud. Their slow progress was a source of anxiety to the party, as they were anxious to reach the tribe before they had killed all of the horses. Traveling over the mountains to the snow line, they found the rancherias, but the horses had nearly all been killed and eaten. They took a few prisoners, and destroyed several villages, and returned to French Camp. It was Weber's purpose to organize a large party of about 400 men for an expedition against the Chowchillas. To do this successfully it was necessary to make considerable preparation, as the Chowchillas were a powerful, warlike tribe, and had many Christian Indians among them, well supplied with firearms obtained from the Missions. Weber had formed treaties with most of the tribes in the vicinity, except the Polo and the Chowchilla tribes. The last named had rejected all entreaties of friendship from Weber, and stealing the property and murdering all who crossed their path, they were the terror of the settler. An unforeseen event saved them from extermination, and in later years many a miner was murdered in cold blood at their hands. While Weber was preparing to chastise these defiant savages, a discovery had been made at Sutter's Mill, on the south fork of the American river, which was to cause citizens of every nation to rush to the hitherto unknown coast. This great event in our history was the discovery of gold on the 19th of January, 1848. For nearly two months the discovery was kept a secret from the lower settlements, and it was not known at the French Camp grant until about the 15th of March. At this time a courier from Sutter's Fort, on his way to the pueblo of San Jose, remained over night here, and related the news of the discovery, at the same time showing specimens of the scale gold that had been found. Most of the settlers in the territory became wild with excitement when the discovery became known, but to Weber the discovery

was no surprise, as he knew that gold existed in the mountains of San Luis Obispo and Santa Barbara, because he had received dust in small quantities from the Mexicans at San Jose. These Mexicans for several years previous had been working in the placers. Weber at once came to the conclusion that if gold was to be found at Sutter's Mill, the streams south of that point would also contain gold. He then formed a company consisting of the settlers and a few Mexicans, to search for gold in the streams south of the American river. Their first exploration was on the Stanislaus. They followed the river for many miles without finding any trace of the alluring dust. Disappointed at their first efforts, they then started north through the mountains toward Sutter's Mill. Searching in every gulch and ravine, their labors were in vain until they reached the Mokelumne. There their hopes were realized, and the first lessons in mining were learned. Weber had strong faith that gold existed in this stream and dug deeper than others had been digging, and was rewarded by finding gold in a pocket or Indian mortar, the place having been used by the Indians to pound acorns and seeds in. From this time on, they found the precious metal in all the streams. When the party arrived at the mill they commenced prospecting in the neighborhood, and finding gold in great abundance, they established a camp and to this day it is known as Weber's Creek. Placing men here to hold the claim, the party came back to the grant to obtain supplies. Under the direction of Weber a company was organized called the Stockton Mining Company, the name Stockton being used for the first time. This company was a joint stock company, and was organized for the purpose of doing a general merchandise business, Weber agreeing to furnish the outfit. Among the members were John M. Murphy, Dr. Isabel, Joseph Bussell, George Fraezer, Mr. Pyle and Andy Baker. The company started for the creek, taking such supplies and implements as were to be obtained on the grant, and also a number of beef cattle to sell. As the supplies for such an extensive business could not be ob-

tained in this locality, Weber visited San Francisco, San Jose and other places, and purchased supplies of groceries, calicos, beads and other trinkets to use with the Indians, in exchange for their labor and for gold dust. One curious article that he shipped was silver coins, these being highly prized by the Indians as ornaments to hang about the neck. The supplies were shipped by water to Sacramento and thence by wagons.

Previous to his departure for the lower settlements Weber sent word to Jose Jesus, then residing near to Knight's Ferry, to send him a number of able bodied Indians to dig gold. On their arrival at French Camp they were mounted on horses and sent by a guide to Weber's creek. During the two weeks in which the Indians were learning the science of mining with pick and shovel, the company were selling goods, killing beef, overseeing the Indians, and mining for recreation. After the Indians had learned the art, they were sent to their homes on the Stanislaus and Tuolumne rivers, with instructions to dig in the streams, and if they found gold, to report to the "Major domo" at French Camp. They first found coarse gold in the Stanislaus, and this was taken to the "Major domo" and he, in accordance with previous orders, sent it to Weber at the creek. Receiving the gold he was much pleased, and at once proclaimed the glorious news by blowing a tin horn, the usual method of calling a crowd in those days. The miners came flocking into the camp, and at the sight of those large lumps of pure gold were wild with excitement. These specimens were the first gold found in what was known as the southern mines, and the first coarse gold found in California. The gold found at Sutter's mill was in scales, and nothing has been written to prove the contrary. To those two pioneers of 1839 and 1841—Captain John A. Sutter and Captain Charles M. Weber—belongs the honor of discovering the first gold fields of California, and to them the state owes its wonderful growth and prosperity.

A consultation was held and it was determined to abandon the creek and mine in the new claim. Accordingly,

two men were left to close out the mercantile business and the company came back to French Camp to prepare for the new field. With them others who had been mining in the same neighborhood came also. After replenishing their stores the company started for the Stanislaus. Here they commenced prospecting in the streams and gulches, scattering in every direction. The familiar names of Murphy's Camp, Sonora (formerly Sonorian Camp), Angel's Camp, Don Pedro's (Sansevina) Bar, Sullivan's Bar, Woods' Creek, etc., are named after those men who started with the company and camped in those localities. The company carried on mining operations in the Stanislaus river and other streams, finding large quantities of gold, until September, 1848, when the company was by Weber dissolved. Long before this time he had realized that the little settlement of twenty persons in 1847 would by this discovery of gold become a large town before the close of the year 1848, as the people by tens, twenties, fifties and hundreds were by water and land pouring into the settlement, some to remain and others to journey on to the mines. Putting in practice what he believed, that the present site of Stockton would be the great commercial center of the southern mines, he enlarged his little store to a commercial house, the first in Stockton, and in October, 1848, Henry Kirchner became his partner under the name of Weber & Co. This partnership continued one year. To build the house Weber had to purchase lumber in San Francisco. He chartered a vessel and sailed to Santa Cruz, procured a load of redwood lumber and sent it to Stockton. When near Stockton the vessel ran aground and they found it necessary to transfer the lumber to smaller boats.

In all the affairs of life a trivial circumstance changes the current of our thoughts and plans, and turns them in an entirely different direction. While the little village was trading with a few trappers and Indians the clear waters of the sloughs were considered as of very little value, but now the place was becoming a town of commercial importance, and the navigable streams had become the highways of

commerce, over which vessels were hourly carrying freight and passengers. These channels were the keys to the commerce of the county, and the citizens offered Weber thousands of dollars for lots fronting on the water; but he refused them all, reserving the levees for the future use of the city of Stockton.

Weber now planned for a new survey of the village, having in view its commercial interests. Standing at his store, which was on the spot now occupied by the Copperopolis depot, he made it the base of his operations, and ran lines east and west, following in line the Stockton channel to Hunter street; then north and south from the same points one half mile each way. To have this new survey in proportion, and in conformity with his plan, it was necessary for him to purchase some of the land that he had so generously given away the year previous. The second survey of the embryo city was commenced in the Spring and finished in June, 1849, by Major R. P. Hammond and assistants. The original map drawn by Major Hammond is still in Captain Weber's possession, and there is very little change in the present official map of the city. When the present plan was approved Weber saw the advantages and disadvantages of the location, and in seeking to remedy the latter he evinced a skill in civil engineering which past experience has shown will have to be carried out. If Stockton is to be protected entirely from the floods that sometimes occur, some means must be devised to carry off the large body of water that comes sweeping over the plains during the Spring freshets.

The present official map shows four avenues running east and west—Miner's and Weber's on the north, and Scott's and Mormon on the south. The original map was sent to New York to be lithographed, and Miner's avenue was mapped as Miner's channel. The lithographers, thinking this to be a mistake, changed it to Miner's avenue. Weber's plan was to dig out Miner's channel as a water way, sloping to fifty feet on the bottom, with a sidewalk on each side of the channel. Before the arrival of the maps

from New York the village had become an incorporated city. The authorities in their short sighted judgment failed to carry out the original plan, and for 28 years the work was delayed, and is even now not entirely finished.

In the south the city was more fortunate, for Weber retained all the land on the south side of Mormon channel, and by digging out the channel he has saved the city from overflow on more than one occasion. The year previous to the second survey Weber engaged in the real estate business.

In August, 1850, the city of Stockton came into existence, and on the 28th of August, 1851, Weber deeded all of the streets, channels and public squares to the city.

The original city was square and one mile in each direction. Each block is 303 feet on each side. This regularity is seen in all of the city, except the peninsula where Captain Weber resides. The names of the streets are difficult to remember, and a stranger receives but little aid in finding his direction from them. The streets, channels and public squares were most of them named by Weber in the plot of the second survey and have a patriotic and military significance. Of the seventeen public squares there are the following: Columbus, Constitution, Court House, Eden, Fremont, Jones, Lafayette, Liberty, Union and Washington. In the north of the city nine of the streets are of common plants or flowers. In the west they bear the names of animals, except the last which is named Tule street.

When the survey was being made and they had reached Mormon channel, Major Hammond, who had been an officer in the Mexican war, suggested that the rest of the streets be named after the generals of the army. This suggestion was adopted and we have Scott, Taylor, Worth, Anderson, Jefferson, Jackson, Clay and South streets, in honor of the Mexican generals. During the rebellion Twigg street was changed to Anderson street by the Council, and in the petition of Captain Weber, Grant street was formerly called Jose Jesus, in honor of Weber's Indian

friend. Centre street was named from its being the center of the city.

The spot where the paper mill now stands is known on the the original map as Trapper's Levee.[7] McCloud Lake was named before the purchase of the grant, by the trappers in honor of their leader. Weber named Mormon channel because a party of Mormons *en route* from San Francisco to Stanislaus river, transported their goods up that channel.

The admission of California into the Union on September 9, 1850, the division of San Joaquin county, the incorporation of Stockton and the immense tide of emigration, made every acre in the county, and every front foot in the city valuable, and for nearly eleven years Weber was engaged in lawsuits defending his title against fraudulent claimants and blackmail suits of every description, spending thousands of dollars in lawyers' fees alone in maintaining his property against the squatters. We might enumerate instances now on record in the Recorder's office, where the defendant after gaining his suit returned good for evil, but we forbear. None will ever know of the strain that he has undergone in the troubles of the past and as Mr. J. J. Owen truthfully says: "Annoyed as he often has been in the maintenance of his rights it is not to be wondered at if, at times, he fails to exhibit the patience of a saint."

The impulsive passionate nature of man, even though it be aggravated by surrounding circumstances, often leads him to acts of violence that in his calmer moments he deeply regrets. It was this rashness of his nature that led Captain Weber to shoot Judge Heslep, in the twilight of July 18th, 1863. Judge Heslep's principal cases in law were those of black mail, and he was then engaged in a suit in which the parties claimed that the boundary of the grant had been extended three miles north of the original survey. Exceptions were filed to the survey and Heslep found on examination that an appeal had been taken and dismissed two years previous to his retainer. Under the statutes of the case, he filed a bill in equity charging fraud

[7] See Appendix.

in a survey that had been examined by the Land Commissioners in 1855, approved by the courts and patented in 1861. The law at that time allowed attorneys the privilege of employing assistants to serve summons, and Heslep employed one W. J. Barrett, a meddling and inquisitive editor of the Stockton *Beacon* to serve summons on Weber. Proceeding to his residence about sunset and probably insulting the Captain, he received from him a severe *caning*, before he could make his escape. The shades of night were creeping over the city and Captain Weber as was his custom at the close of business, was sitting on the back porch of his office smoking a cigar, when a man approached him and on seeing Weber, turned and fled. Weber, not knowing the party but dimly seen through the dusk, presuming him to be a person intending to do him bodily harm, instantly drew a derringer from his pocket and fired at the retreating figure. Judge Heslep, as it proved to be, ran down El Dorado street a short distance and fell. The news immediately spread over the city and caused great excitement; much disappointment being expressed because the shot was not fatal. It being in the heat of civil war partizan feeling took the place of calmer opinion, and Heslep was a strong secessionist. A warrant for the arrest of Captain Weber was issued by Justice Baldwin, but he could not be found. The next morning early he surrendered himself to the Chief of Police, George E. Taber, and being taken before Judge Brush, gave bonds in the sum of $3,000. On Tuesday he was again arrested on a warrant from Judge Baldwin. Weber appeared and asked a continuance as his counsel was absent. The request was granted and the Judge fixed the bail at the high figure of $10,000. The bail was immediately furnished, the bondsmen being F. J. Huggins, Andrew Wolf, L. M. Cutting and Samuel Fisher. On the day set for the examination M. G. Cobb appeared for the defendant, and Weber was bound over to appear before the Court of Sessions, in the sum of $10,000, M. J. Dooley, Aug. Weihe, H. D. Sanders and L. M. Hickman were his bondsmen. Soon after this the case was dismissed and Judge Heslep commenced suit in the Twelfth Judicial

Court of San Francisco, Judge Pratt on the bench, to recover damages. A selected jury of 12 men was obtained by Heslep, and he received a verdict of $30,000 damages. This rash act of Captain Weber cost him nearly $60,000.

Captain Weber is one of the most remarkable men of the state, notwithstanding his peculiar character and his past life only proves that the statement made was the keynote to all of his benevolence to the city and to individuals. He said: "I was in favor of anything that would civilize the people and make them moral." That thought has been carried out by him, and often to his own disadvantage and regret. We see this in his improvements of the city. Being a man of perseverance he has done all in his power to carry out in substance his original plan for protecting the city from overflow. Under his direction and aid the city has built a bulkhead on Stanislaus street, dug a canal the whole length of East street, and also along North street, Captain Weber superintending the whole of the work in person and filling in North street at his own expense. He is a lover of plants and flowers.

The rural cemetery was purchased by him of E. M. Howison, his clerk; he then deeded it to the rural associates; trees and plants were put out, and here he now spends a portion of his time. St. Agnes Academy has a garden entirely under his control. He gave the land, obtained the plants and flowers, and here, when not otherwise employed, he may be found with coat off and working with spade or hoe.

Admiring, as we have remarked, the park-like appearance of the oaks, he had great difficulty in protecting them from destruction by settlers and traders. These oaks were his special pride and care, and his object is explained, "for," said he, "many property holders to-day would be glad if they had these trees growing on their lots." Parties often went upon his lands without his permission and cut down his trees and carried them away for timber and fuel.

Sensitive as an exposed nerve, he feels that he is not appreciated, and therefore he moves and acts alone—a keen

observer of men and their actions, and of a nervous, excitable temperament, his passion often controls his better judgment. Without any ambitious display, he moves in his own quiet circle, and no stranger would ever suppose that the man was once the owner of the San Joaquin county. He avoids all society, though in early life none were more social than he. He seldom attends any amusement or public meeting, and he is never seen at divine service. This change in the man's life and character is best expressed in the couplet:

> Man's inhumanity to man,
> Makes countless thousands mourn.

When the day's work is over he returns to his home, and occupies his time in reading the news of the day, and standard authors. His mind is stored with much practical knowledge, and his library contains the works of the most profound thinkers of the age. In all of his business relations he is prompt, energetic and honest, and he despises any sort of chicanery in business dealings. One peculiarity in his business is this: he interferes with no man's affairs by asking questions or giving advice, and will not be questioned regarding his own. A hired man once said to him: "The people are anxious to know what you are going to do here." Looking at the man for a moment, he said, "Go to the office and get your money, sir." It has been said that he has stopped intended improvements on account of the curiosity of the public.

In human nature he is disappointed and deceived, and well might he be, for society, friends and even religion have succeeded in gaining his friendship that they might obtain gold or land for private or sectarian uses. In his happier moods he is a great conversationalist, talking rapidly and frequently; but in his remarks he seldom says anything in disparagement of anyone, be he friend or enemy— a peculiarity not often seen. No citizen is more loyal than he and his record in this respect is worthy of imitation. It has been said that the native born American fails to fully realize

the blessings of liberty; that never having been a citizen of a monarchy he feels no thrill at the word *freedom!*

Should we take Captain Weber as the standard, there might be some truth in the assertion, for his patriotism is deep, spontaneous and overflowing. He stands among the foremost for having developed the resources of the territory. In the Mexican war he gave his time, to the neglect of his business, in behalf of his adopted country; and when, during the civil war, loyal men were fearful, in taking a firm stand for the Union, Captain Weber again came to the front and flung to the breeze the starry banner. In the days of 1861, when the South threatened to destroy the Union, he thought he saw an inclination here to sympathize with the South. It was only the slumbering volcano that had not yet awoke from its lethargy. The country's flag was nowhere to be seen, but he, at least, would fly the stars and stripes and bid defiance to rebellion. He sent to Oregon and purchased a flag staff 120 feet in length, and placing on the top the large letters U. S., he planted the staff on an island to the west of his residence, and from this staff after every Union victory floated the *flag*. This flag could be seen for miles. The island became known as Banner island. Unknown parties several times went in boats and cut the halyards. Weber then placed a large watch dog on the island to guard the flag. On the night of September 29th, 1861, some miscreant ran up a small secession flag on the staff and on other staffs in the city. Early on the morning of the 30th, the sound of cannon was heard for ten miles around. The citizens were astonished, for it was the Sabbath, and the firing of cannon on that quiet morn was not in harmony with Him who taught "Peace on Earth." When they learned the news, rebel flags were still floating from other points, but from Banner Island the stars and stripes were floating in the breeze. When Captain Weber discovered the deed—his favorite dog lay dead near the foot of the staff—his indignation knew no bounds. Tearing down the flag he rammed it into the cannon's mouth, and as the old flag ascended one loud report blew the se-

cession flag into fragments. Thirteen more guns were fired for the Union, and the crisis was past, for Stockton had awakened from her slumbers and taken her stand for the Union. The noon-day sun shone upon the old flag in all parts of the city, and Stockton was redeemed.

The pioneers of California are, as a rule, generous to all but themselves; and of none is this more true than of Charles M. Weber. In his charities all have shared, and his donations and gifts have amounted to thousands of dollars in money, and in present valuation to more than a million of dollars in property. Every church, school and society has been the recipient of his bounty, and hundreds of individuals have incurred favors from him. It is a common remark that a poor honest man could buy land from him on his own terms. The following incident is related to me by a gentleman who knew of the fact, and is only one of hundreds: A widow lady a few years ago was ejected from her hovel by an unmerciful landlord, and was living afterward in a chicken house. Captain Weber, hearing of the circumstance, drove to the house of a neighbor and inquired: "Is Mrs. ——— living there?" "No." "Where is she living?" The neighbor pointed to the shed. "Did he turn her out of the house?" "Yes." "Too bad, too bad," said the Captain, and drove away. He then ordered carpenters to build a small dwelling on a lot of his close by, and when the house was finished he told the widow to go there and live, he giving her a deed of the place. This was but an individual act, and throughout the history of Stockton we see the marks of his benevolence and enterprise. That this assertion is true is evident to all who know of the donations given by him during the past thirty years.

It is not customary, nor is it in good taste, often to praise the living; but Captain Weber is in the decline of life, and his deeds and motives have seldom been understood; for man, in his narrow judgment, too often judges from selfish motives. In his sixty-sixth year, with the same purpose of thought that has characterized the past,

his only thoughts are to do something that will build up the city and benefit her citizens. The youth of San Joaquin may emulate his example and profit by his experience, for generally they have no plan of action in their early life. All through the life of Captain Weber we see a plan of action stimulated by industry and perseverance, and although stumbling blocks have been thrown in his way, he has achieved a grand success. What splendid results have come, and are still to come, from his perseverance, energy and labor! A city has been founded, and thousands are being provided with the wants of life. Art, science and religion have been developed, where fifty years ago was an unknown wilderness. The earth has yielded food for the millions, and, tracing back these magnificent results to their source, we find a young man riding through the San Joaquin Valley, resolving that he *will* make a fortune and acquire the grant—that is to-day a more magnificent tribute of honor to the name of C. M. Weber than any honor that royalty could confer.

CHAPTER VIII.

CONQUEST OF CALIFORNIA.

The conquest of California is a subject not properly embraced within the limits of this work, but as the history of the country is indirectly connected with the conquest, and as many of the pioneers took an active part in the war which led to the conquest, I have thought it best to devote one chapter to the Mexican war and its cause. In all ages of the world's history we find the armies of great and powerful nations going forth to conquer and possess the lands of the weaker. In this respect the history of California is no exception. It is a rich, fertile state, and even in the fifteenth century was known to contain gold. The territory, with its rich mineral, agricultural and commercial wealth,

was a grand prize for any nation, and three nations were anxious to possess it. The Spanish, who conquered it in 1521, and lost it three centuries later, were looking forward to a time when they again might obtain a voice in its government. Great Britain, founding her claim on the discovery of Sir Francis Drake, who wintered in or near San Francisco bay in 1579, and who claimed the country in the name of the Queen, was expecting to annex the country to the British possessions. Two hundred years later, Catholicism, under the leadership of Eugenio MacNamara, a Jesuit priest, was also endeavoring to gain a foothold on California soil, in order that he might establish a colony of Catholics.

The pioneers coming here found the government in a state of anarchy and continual insurrection. They, too, with shrewdness of purpose and greed for gain, were anxious to possess this fertile domain.

Soon after Mexico gained her independence from Spain a party of revolutionists gained the control of the government and formed a new constitution, which deprived the Mexican states of many of their former privileges, and nearly the whole of the rights and duties of the government were centered in the executive and Congress. This angered the residents of California, and in Monterey they arose in a mass and declared themselves independent until the readoption of the old constitution. Speeches were made and documents were published inciting the people to arms, and a body of men under General Vallejo disbanded the Mexican troops and transported the government officials to Mexico. Peace was restored in 1837, and the people took the oath of allegiance. But in their hearts there was a feeling of hatred against the Mexican government, which time could not heal. The angry feelings caused by the constitutional change had hardly quieted before there was an angry dispute between the two departmental heads, Governor Alvarado and General Vallejo. Each made complaint to the general government, and asked for the other's removal. The home government

concluded to stop trouble by displacing both of the grumblers. What was their surprise, in August, 1842, to learn that Micheltorena, with an army, had arrived in San Diego with two-fold power—that of civil and of military Governor. He was received everywhere by a delighted people, and was acceptable as a Governor to all classes. While marching forward in battle array, his glory was turned into a retreat, for he learned that Commodore Jones had sailed into Monterey, and had hoisted the American flag there and had taken possession in the name of the United States. Jones thought that war had been declared, but learning of his blunder, he lowered the stars and stripes and apologized to the Mexican government, and rejoicing was again heard in the camp of Micheltorena. To General Vallejo and Governor Alvarado this new arrival in California was a surprise, and as misery loves company, they became friends, joined their forces with those of Castro and attempted, by inciting another rebellion among the people, according to the usual custom, to drive the usurper back to Mexico. General Castro was, according to all accounts, a revolutionist, a falsifier, a braggart and a coward, unfit for the leadership of an army or the respect of men, and his acts during the California campaign stamp him as a dishonor to the name of soldier.

The Mexicans are credited by those competent to judge with being brave and daring, and their failure in this campaign was due to the fact that they were neither well disciplined nor well commanded.

Before going into the details of the Micheltorena war, we will return to the period when immigrants were coming to California for the purpose of making it their home. In late years there has been a distinction between the words Pioneer and Argonaut, the former claiming a residence before the discovery of gold, the latter a residence prior to September 9, 1850. As the Argonauts are strongly in the majority, they have named all their societies (and we think justly) Pioneer Societies. I have attended to these two words, as I wish to call attention to the views of the first

immigrants regarding their actions previous to the war. Unfortunately for the historian, the hand of death has taken away many, and few remain to tell the story of their early plans. Here in San Joaquin but one remains of that little band, who resolved to await their time, and quietly, if possible, link the golden land into the brotherhood of States.

California was described as a land fertile in soil, beautiful in scenery and with a climate unsurpassed. These reports were verified by trappers, merchantmen and whalers on the coast, immigrants and Americans who had married Mexican senoritas in the early days of Mexican independence. As the pioneers increased in numbers, and believing that they would eventually be strong enough to wrest the state from the rule of Mexico, they determined to make a political change, peacefully if they could, but forcibly if they must. They had no desire to injure the Californians or their government, but they knew if California was ever to become a prosperous state, it must pass into the hands of an intelligent and progressive people. The pioneers expected an easy conquest, as many of the Californians were of Spanish origin and looked upon their Mexican brethren with disdain. Many of these Spanish families are still living in California, enjoying the blessings of a free government. One of the number, Romualdo Pacheco, has the honor of representing California in the Forty-sixth Congress, having already served as Lieutenant-Governor of the state.

The pioneers, knowing of the hatred between the two races, wisely concluded that by adopting a peace policy, they could make friends with the Californians and accomplish a bloodless victory. After the arrival of Weber, an alliance was formed between the pioneers and the Indians, and this gave new strength. This strength was obtained, as we have seen, by the treaty of peace between Weber and Jose Jesus, he and his Si-yak-um-na tribe doing good service for the pioneers both in the Micheltorena and the Mexican wars.

These Indian tribes were not like the Eastern tribes, having a large number under one chief, but were located in different parts of the territory in small bands or families, having no recognized head or leader. Jose Jesus was a chief only by reason of his deeds of daring and bravery.

Although the pioneers were in favor of a peace policy, and were resolved to remain neutral regarding the civil wars, they had no definite plan of action, and the Micheltorena war came very near causing a complete failure in their colonization scheme. An incident in the life of Captain Weber shows how necessary it was for the pioneers to have harmony of purpose and action. Generals Vallejo and Castro and Governor Alvarado joined forces, and declaring California independent of Mexico, waged war on the government. General Micheltorena took the field to quell the insurgents, and marched to within twelve miles of San Jose, where he was met by an armed force under Captain Weber, Castro's army having fled from San Jose, leaving the inhabitants to the tender mercies of an army recruited from the Mexican prisons—a band of desperate convicts, who would plunder and ransack the town if they were once allowed to enter. Weber knew this, and having a large stock of goods on hand, the increase of two years of labor, he was naturally anxious to protect his property, and prompt action alone was demanded. Depending on his friendship with Micheltorena, and resorting again to peace measures, he sent a note to that General, informing him that Castro had fled and requesting him to march around the town. War knows no friends, and Micheltorena informed Weber that he must march through the town in pursuit of Castro. This meant destruction of property, if not of life, and Captain Weber determined to resist. Hastily summoning the men of San Jose, he told them of the condition of affairs, and that by organizing, the progress of the pursuing army could be checked. A company was formed, and Weber was placed in command, and they set out to meet the enemy. Sending a messenger to Micheltorena, he informed him what he had done, tell-

ing him he was acting only in defense of his property. When Weber met Micheltorena, he relied upon strategy to accomplish his purpose. To do this he commanded his men to appear on the surrounding hills, and by riding quickly from one point to another, give the appearance of a large army. When the scouts of the enemy appeared, Weber's force drove them back. These maneuvers lasted for several days, until Castro, hearing of the brave stand of this handful of men, became ashamed of his cowardice and reinforced Weber's men. Micheltorena, finding that he then had a large force to encounter, made peace and agreed to leave the valley. The new and lawful Governor having sent to Captain Sutter for aid, he came down from the fort in January, 1845, with a force of 100 mounted riflemen, among whom was General Bidwell. His object in coming to the aid of Micheltorena was to come into the possession of more land, as the Governor had promised him that "every petition of land on which Sutter as Justice had reported should be taken as granted, and that a copy of the general title which the Governor then conferred should be regarded as no less binding than a formal grant." On reaching the lower settlement, the foreigners found that there were Americans in each army, and Sutter, in a letter to the Sacramento *Pioneer* in July, 1879, says: "We were defeated by treachery and desertion," for a battle took place between the forces of Castro and Micheltorena, and the latter was defeated, because the Americans would not fight against each other and destroy their plans for future action. It was in this battle that Sutter lost the cannon "Old Sutter," afterward found by Captain Weber.

This antagonism of the American element would have defeated these long cherished hopes of independence from Mexico, as, to accomplish any permanent results, unity of thought and action is necessary. The pioneers were living in different parts of the territory, two or three in a place, and communication from one to another was slow and uncertain. The leaders of the colonization scheme, fearing that the foreign element would again be drawn into the

vortex of discord, drew up and circulated a document which was intended to unite and bind the foreigners together, and "to prevent the recurrence of any hostilities between the Americans in the future by forming a more perfect system of organization, the ultimate effect of which would be, when they became sufficiently strong, to wrest California from the Mexican government." The document was written by Dr. Marsh, but failed in its object. The meeting was held on July 4, 1845, and but few of the foreigners were in attendance, either the distance to the pueblo of San Jose being too great, or else they were utterly indifferent to the intent of the document.

Behind the veil of obscurity there is a power directing and guiding the affairs of life, and when the proper time arrives the veil is cast aside and men are amazed and confounded. The pioneer, with that love of gain that is inherent in every breast, expected at some day to wrest California from Mexico, but he was looking to the future. Around him events were transpiring that were destined to break like a bombshell over the state. This bomb, which so suddenly exploded, was the raising of the "bear flag" at Sonoma in June, 1846. This flag, which so surprised all the residents of the territory, was adopted under the following circumstances: On the fifth of June, says John S. Hittell, Lieut. Arce, of the Mexican service, arrived at Sutter's fort on his way to Sonoma to get some horses, which, according to rumor, he said confidentially, were to be used by the troops in expelling the Americans. This rumor, accepted as true, seemed to demand immediate action, so messengers were sent out to the Americans in the vicinity of the fort, and a meeting was held there June 7, 1846. They determined to resist and anticipate the enemy. They sent a message to Fremont, who was then about thirty miles to the north, requesting him to join his forces with theirs, become their commander, and declare war against Mexico. He could not comply with their request, but expressed sympathy with their purposes, and promised to remain in their vicinity, so that he might perhaps be of some service to them. The

company was then organized under command of Captain Merritt. They rode to Sonoma and took it without resistance, there being only 32 men in the company. They raised the bear flag and took as prisoners of war Don Marino Guadalupe Vallejo, Lieut. Don Victor Bradon, Capt. Don Salvator Vallejo and Jacob Lesse. The bear flag, which is so often heard of in the history of California, was procured, says the artist, Wm. L. Todd, brother of Dr. F. Walton Todd of this city, "in the house where we made our headquarters. A piece of new unbleached domestic, about a yard wide, with stripes of red flannel not quite four inches wide on the upper and lower sides, was furnished by the lady, Mrs. John Sears. On the upper left hand corner was a star, and in the center was an image made to represent a grizzly bear, an animal common at that time in the state. Under the bear were the words 'California Republic.'"

This bold stroke for independence on the part of a few rash men was entirely at variance with the plan of most of the pioneers, who were anxious to acquire the territory in a more pacific way than by force of arms. When Castro heard of this revolt against the Mexican government he took up his headquarters at Santa Clara, and on the 17th of June, issued a stirring proclamation to his people to rise *en masse* as "you need not doubt that Providence will direct us in the way of glory; you should not vacillate because of the smallness of the garrison of the general headquarters, for he who will first sacrifice himself will be your friend and fellow citizen."

We will now notice the movements of Fremont up to the time of his arrival at Sutter's fort.

In May, 1845, Captain J. C. Fremont, a topographical engineer in the service of the United States, was sent from Washington to continue his explorations in the Rocky mountains, and find, if possible, a shorter route to Oregon than the one usually traveled by emigrants. With his corps of sixty men, including five Delaware Indians, he reached Monterey in January, 1846. Here he learned of the ani-

mosity of the Californians toward the American settlers, and he determined to give them no offense. The Mexicans saw the Americans coming into the territory, taking up lands, and making improvements, and, fearing that they would monopolize the country, were in favor of expelling them from it. Governor Pico, in writing to the Assembly in May, 1846, says: "We find ourselves threatened by hordes of Yankee immigrants, who have already begun to flock into our country, and whose progress we cannot arrest. Already have the wagons of that perfidious people scaled the almost inaccessible summit of the Sierra Nevada, crossed the entire continent, and penetrated the fruitful valley of the Sacramento. What that astonishing people will undertake next I cannot say; but in whatever enterprise they embark they are sure to be successful. Already these adventurous voyagers, spreading themselves far and wide over a country that seems to suit their tastes, are cultivating farms, establishing vineyards, erecting saw mills, sawing lumber, and doing a thousand other things which seem natural to them."

It was this enterprise of the settlers that caused the Spaniards to hate them so bitterly. Fremont, therefore, not wishing to give any offense to Castro, visited him and asked permission of him to pass through the country unmolested. He intended to pass through the San Joaquin valley on account of the grass and water. Castro readily gave permission, but believing this to be another party in search of land, determined to stop such proceedings, and with his army marched against Fremont to drive him from the country. Fremont, hearing of this treachery, fortified his little band in the mountains of Monterey and awaited the attack. Finding Fremont in an impregnable position, Castro failed to make an attack, and after waiting two days, Fremont, at the solicitation of his men, continued his Oregon march. On the way he was harassed by Indians, instigated by Castro and his men, but they suffered no delay until May, 1846. At this time, when near the Siskiyou mountains, he received very important informa-

tion of the coming event. The bearer of these dispatches was Lieutenant Gillespie, afterward in command of the Southern Department of California. He had started from Washington in November, 1845, and by the way of Vera Cruz, the City of Mexico and Mazatlan, had reached Monterey. Here he delivered dispatches to the Vice Consul, and then proceeded on his way to find Fremont. The dispatches to Fremont were in cipher, giving no information or indication of the approaching war, and had they fallen into other hands, would have had no meaning. The dispatches were a letter of introduction from the Secretary of State, some letters from his family and some verbal communication. Fremont knew the meaning of those papers, and immediately turned and marched towards Sutter's Fort, camping near that famous place. The verbal communication to Fremont was that he "should watch and counteract any foreign scheme on California, and conciliate the good will of the inhabitants toward the United States." What this foreign scheme was, and why Fremont was to conciliate the inhabitants, we will now notice.

In the beginning of this chapter we spoke of three nations seeking to gain a foothold in California, viz.: Spain, England and the United States. Spanish citizens, since their overthrow, were scheming to conquer the land by England's aid, or to put her in possession. Jesuit priests were also trying to colonize the San Joaquin valley by the help of the same nation. Eugenio MacNamara, according to Upham in his "Life of Fremont," in the early part of 1846 was domesticated with the British legation in Mexico. "During that time he applied for a grant of land. The land for which he applied included the whole of the San Joaquin valley. His object was to colonize upper California with Irish Catholics, and he agreed to bring a thousand families at once. The proposal was entertained favorably by the central Mexican government. MacNamara was landed at Santa Barbara in July, 1846, by the British frigate Juno."

Everything was ripe for a settlement of the whole matter

and the whole country would have passed into the possession of England. While this grand scheme was being matured, the United States fleet on the coast was watching carefully the British fleet, and ready at any moment to engage in conflict if necessary. The Californians, seeing no chance for themselves to regain the country, were strongly in favor of accepting assistance of England. Colton says: "At a meeting held in Monterey, in which the patriotism, talents and sagacity of the country were largely represented, the question of throwing the country under the protection of England, through the naval forces under Admiral Seymour, was largely discussed." "Juntas were in session to transfer the country to Great Britain; the public domain was passing away in large grants to British subjects, and a British fleet was expected on the coast."

England, long before this, had surveyed the coast, and was anxious to possess California for several reasons: First, that she might possess the finest harbor on the coast of North America as a naval depot; second, that she might boast, with Oregon, of a coast of more than 1,600 miles in length and the five finest harbors on the coast; third, that she might have a place to send her disaffected subjects, hoping that in time absence from the "old sod" would cure them of Fenianism; fourth, that by establishing a naval depot at San Francisco, another at Victoria and a third at the Sandwich Islands, and having a railroad from the Canadas for the transportation of troops and naval stores, she could defy the United States to carry out the "Monroe Doctrine." The British fleet arrived on the coast, but too late to be of any service either to the Spanish Californians or to the Catholic priest, for Commodore Sloat had raised the flag of liberty at Monterey, and the British navy was again checkmated by the United States fleet.

The United States, anticipating war with Mexico through the Texas boundary, had, early in 1846, sent vessels of war to the Mexican coast, both on the Gulf of Mexico and on the Pacific. The Pacific fleet was in command of Commodore Sloat, and was stationed at Mazatlan. "The eye of

England had been on California, and the magnificent bay of San Francisco had been surveyed as her own." The approaching war was the time when she hoped to make her long looked for conquest. She therefore sent two squadrons to the Pacific, one of which, under the command of Admiral Seymour, was to watch Sloat at Mazatlan. Sloat, knowing that he was watched by the English commander, put boldly out to sea, followed by Seymour. During the night Sloat tacked and headed for California, reaching Monterey on the second of July, thirteen days in advance of Seymour, who, not knowing of the ruse, sailed to the Sandwich islands before he found out his mistake. When he arrived on the coast again the prize had been taken and California was in the possession of the United States. Commodore Sloat sailed into the harbor of Monterey, and taking possession of the port, declared the independence of the territory. His actions were founded on news brought him by an American citizen residing at Mazatlan, who, disguising himself as a Dutch peddler, arrived in a coaster and informed Sloat that war had been declared between Mexico and the United States. This was a premature move, and Sloat, fearing that he had made a blunder, thought it best to resign as soon as an opportunity was given. While he was contemplating his resignation, instructions were on the way to him from Secretary Bancroft, dated May 15, 1845, charging him to take Mazatlan, Monterey and San Francisco, either one or all of them, as his force would admit. After lying two days in the harbor, he raised the United States flag on the 7th of July, and sending word of his action to Captain Montgomery and Captain Fremont, promulgated the following proclamation:

To the Inhabitants of California: The Central Government of Mexico having commenced hostilities against the United States, by invading its territory and attacking the troops of the United States stationed on the north side of the Rio Grande, and with a force of 7,000 men under the command of General Arista, which army was totally destroyed, and

all their artillery, baggage, etc., captured on the 8th and 9th of May, by a force of 2,300 men under General Taylor, and the city of Matamoras being taken and occupied by the forces of the United States, and the two nations being actually at war by this transaction, I shall hoist the standard of the United States at once, and shall carry it throughout California.

I declare to the inhabitants of California that although I come in arms and with a powerful force, I do not come as an enemy to California; on the contrary, I come as their best friend, as henceforth California will be a portion of the United States, and the peaceful inhabitants will enjoy the same rights and privileges that they now enjoy, together with the privileges of choosing their own magistrates and other officers for the administration of justice among themselves; and the same protection will be extended to them as to any other State in the Union. They will also enjoy a permanent government, under which life, property and the constitutional right and lawful security to worship the Creator in a way most congenial to each one's sense of duty will be secured; which, unfortunately, the central government of Mexico cannot afford them, destroyed as her resources are by internal factions and corrupt officers, who create constant revolutions to promote their own interests and to oppress the people. Under the flag of the United States California will be free from all such troubles and expenses; consequently the country will rapidly advance in agriculture and in commerce.

The revenue laws will be the same in California as in any other part of the United States, affording them all manufactures and produce of the United States free of duty, and for all foreign goods one-fourth of what they now pay.[8]

A great increase in the value of real estate may be anticipated, and with the great interest and kind feelings I know the government and the people of the United States

[8] See Appendix.

possess toward the citizens of California, the country cannot fail to improve more rapidly than any other on the continent of America.

Such of the inhabitants of California, whether native or foreign, as may not be disposed to accept the high privileges of citizenship and to live peaceably under the government of the United States, will be allowed time to dispose of their property and to remove out of the country, if they choose, without any restriction, or remain in it, observing strict neutrality. With full confidence in the honor and integrity of the inhabitants of the country, I invite Judges, Alcaldes and other civil officers, to execute their functions as heretofore, that the public tranquillity may not be disturbed, at least until the government of the territory can be more definitely arranged. All persons holding titles to real estate, or in quiet possession of land under color of right, shall have those titles guaranteed to them. All churches and the property they contain, in the possession of the clergy of California, shall continue in the same right and possession they now enjoy. All provisions and supplies of any kind furnished by the inhabitants for the use of the United States ships and soldiers will be paid for at fair rates; and no property will be taken for public use without just compensation at the moment.

JOHN D. SLOAT,

Commander-in-Chief of the United States forces in the Pacific Ocean.

Flagship Savannah, Harbor of Monterey, July 7, 1846.

On the 9th of July, Henry Pitts rode into San Jose with despatches in Spanish to Castro. Castro was mounted at the head of his men, the most of whom were mounted, and after opening the document and ascertaining the contents, he brought his men into line and exclaimed with a loud voice, "Monterey is taken by the Americans," and then read the proclamation. After the reading of the proclamation he exclaimed, "What can I do with a handful of men against the United States? I am going to Mexico. All you who wish to follow me, right about face; all that wish to re-

main can go to their homes." Only a few desired to follow this bombastic coward, and he and his followers left San Jose the next day.

On the 15th of July Commodore Stockton having arrived at Monterey from the Sandwich Islands, Commodore Sloat turned his command over to him and returned to the United States.

The successful issue of the war in California is due more to the patriotism of the pioneer soldiery of the United States than to any other cause, and the citizens of the republic can thank them for the addition of of California. The war with Mexico had been in progress over three months before it was known in California, and during all this time the American citizens, with their wives and children, were in the enemy's country, unprotected by even a company of United States troops. War vessels were on the coast, but they were of but little service except to guard the harbors. Had it not been for the premature revolt at Sonoma, which caused the Americans to take up arms and prepare for the coming events, they would have been entirely unprotected, and could have been massacred to the last child without being able to make any resistance. But this revolt caused them speedily to place their families in a place of safety and to be in arms, ready for any emergency. On receipt of the news of the war, the crew of the vessels on the coast did good service, but it was as soldiers and cavalry, and not as sailors, for the Mexican soldiers were mounted and flying from point to point, and could be attacked only by mounted men.

It was for this reason that Captain Weber was of such great service to the cause, for, says a writer a few years afterward: "We have heard repeatedly from various individuals formerly in the volunteer corps of Fremont, that the detachment of troops at San Jose and the adjacent counties were indebted to the great knowledge of the country, consummate skill and superior energy of Captain Weber in collecting supplies of horses and cattle for the use of the troops."

There were five vessels of the navy on this coast, and these five with 160 men were to conquer and hold California, against a force far better equipped and having all the resources of the country at their command.

The American patriot never fails in his country's cause, and though through neglect and failure to receive their pay on one occasion they were about to join the forces of Castro, the love of country arose in their breasts and they renewed within themselves their allegiance to the "old flag."

As it had been reported that Castro was on the march to drive Fremont and the Americans from the country, Fremont came marching down to meet him, stopping on the way at Sutter's fort. Here the settlers from all parts of the country came to Fremont for protection, and volunteered their services in freeing themselves and the state from a republic that had made so many promises and had broken them all. Before he arrived at the fort he heard that the flag had been raised at Monterey and Yerba Buena, and, unfurling the standard, he left Sutter's July 12th, on his way to meet Castro.

On the 23d he received a commission from Commodore Stockton, conferring on him the rank of Major and on Gillespie the rank of Captain, provided they would serve under him as long as he remained in California. Fremont then had 160 men—the nucleus of the California battalion.

Fremont continued his march to Monterey, reaching that place on the 27th of July. Here he co-operated with Stockton in the pursuit of Castro. When Castro left Santa Clara he took his march toward Los Angeles. Stockton's plan was to sail down the coast and cut off Castro in his flight. Giving orders to the commander of the Cyane on the 21st, that vessel was ready to leave port in twenty-four hours. She sailed the next day for San Diego, having on board Fremont's battalion. Fremont was instructed to take San Diego and then advance north and assist Stockton in the capture of Los Angeles.

Commodore Stockton, having assumed command of the

Pacific squadron, issued a proclamation from Monterey on July 28, 1846. On August 1st the Congress, with Commodore Stockton and a full complement of men, set sail for San Pedro.

Colton, in his history of this war and of this especial event, says: "Commodore Stockton intends to land there with a force of some three hundred men, march to the Pueblo de Los Angeles, capture that important place and fall upon Castro, who, it is now understood, has posted himself with about 800 men in a pass a few miles below. On the way down the coast, Commodore Stockton landed at Santa Barbara, hoisted the flag, and, having left ten men to guard it, set sail again for San Pedro, reaching the roadstead on August 6th. Major Fremont had landed here on July 29th.

Those who saw the grand army of the Potomac, as it passed in review before the President at Washington, with bands playing, colors flying and bayonets glistening in the sunlight, cannot compare that scene with the one at San Pedro, August 7, 1846. Both armies enlisted in the same cause but under far different circumstances.

Commodore Stockton was obliged not only to drill the men for land service, but to uniform and equip them from his limited supply. To create an army of soldiers from the navy was not only a novel but a tedious experiment. As the time was short the drill was only in the rudiments. In the beginning all was confusion, but they soon became more proficient than an "awkward squad." Says a writer of the war ship Dale: "There were only about 90 muskets in the whole corps of 350 men. Some were armed with carbines, others had pistols, swords or boarding pikes. They presented a motley and curious appearance, with a great variety of costume; and perhaps no other army similarly armed and equipped was ever marshaled for active service, either in savage or in civilized warfare. Owing to the long time that most of the squadron had been from home, and the great distance from a commercial market, the supply of clothes and clothing had fallen short, and

the ragged and diversified colors of their garments, as well as the want of uniformity in their arms and accoutrements, made them a spectacle altogether singular and amusing."

Commodore Stockton being ready to advance upon Castro in Los Angeles, sent word to Fremont, and commenced his march on the enemy on the eleventh of August, 1846. Castro had his spies watching the movements of Stockton, and when he advanced the news was quickly known to Castro, who, not waiting to catch a glimpse of the enemy, left the city and commenced a retreat toward Mexico. The foreigners in the pueblo immediately sent word to Stockton of the retreat of this valiant warrior, who had sent word to Stockton previous to his advance that they would advance only to find open graves ready to receive them. Commodore Stockton entered Los Angeles on the 17th of August, without firing a gun. After occupying the city Stockton signed his documents as Governor and Commander-in-Chief of the Territory of California. This was in obedience to instructions from Washington given to him under seal, not to be opened until he arrived in California. On August 16th he issued his second proclamation. As Fremont failed to co-operate with Stockton at the appointed time, we will see what caused the delay. "Major" Fremont, after landing at San Diego on the 24th of July, mounted men with great difficulty, and on the 3d of August took up his march for Los Angeles, leaving about 40 men to hold San Diego. On the way he heard of the retreat of Castro, and hoped to intercept him before he reached the pass leading into Sonora, but finding that Castro had the best horses he gave up the pursuit, and turned once more for Los Angeles. When within four miles of that place he saw Commodore Stockton's sailors coming from the direction of San Pedro, and at first mistook them for the enemy. The forces joined and marched into the City of the Angels with a band of music playing "Hail Columbia," and hoisted the Stars and Stripes on the plaza—and the work was done!

Before the outbreak of the war in California Weber was

apprised of the event by the naval officers at Yerba Buena, and, to more fully satisfy himself regarding the coming events, on pretence of business started for Yerba Buena, and on arriving there learned that Fremont was across the bay. Crossing the bay in a launch, he meets Fremont and learns of the arrival of Gillespie with dispatches from Washington, of Fremont's interpretation of them, the particulars of the Bear Flag insurrection, and the plans of Fremont regarding the expected war. Weber informed Fremont of the movements of Castro and of the helpless condition of the families of emigrants, and it was thought advisable to bring them together in some fortified position. Weber then returned to Yerba Buena. On his way back to San Jose, in passing through the redwood mountains, now famous as the property of Governor Stanford, he saw John Coppinger at work, to whom he imparted the knowledge of the expected war. Coppinger was an Irishman by birth, and having married a Spanish woman had obtained a ranch in San Mateo county, and was living on it. Whether it was the natural character of the man or a love for the Spanish race, we are left to conjecture, but Coppinger left his work and betrayed Weber and the American cause, by informing Castro of the news confided to him. Castro was at this time in Santa Clara, organizing his army to attack the Sonoma party. This was in the latter part of June, 1846, and Weber by a plan between him and Fremont was in the mountains, there engaged in raising a small force to protect the families of the pueblo of San Jose from violence in case of an insurrection by the Californians, and had sent to Thomas Fallon, at Santa Cruz, to raise a force to join him. Having business in San Jose, Weber returned to the pueblo, and a message was sent to him that the Alcalde wished to see him. Not suspecting any danger he entered the house, and immediately it was surrounded by an armed force, and Weber, together with a Mr. Washburn, who was Weber's blacksmith, and a traveler named Burt, were taken prisoners. Having taken Weber prisoner they were eager for his life, and twice was he

taken out of his cell to be shot, but so strongly was Castro and another officer attached to Weber for past services, that his life was spared.

On the 7th of July came the news of the hoisting of the flag of freedom at Monterey and the hasty departure of Castro for Los Angeles, taking Weber, Washburn and Burt with him.

Castro, in his flight from Los Angeles, released Washburn and Burt, but kept Weber a prisoner. Castro carried Weber to the Rio Grande, there leaving him to find his way back afoot and alone.

Weber again arrived in Los Angeles some two or three days after the capture, and here for the first time he saw Commodore Robert F. Stockton, and here the thought came to life that named the City of Stockton. When Castro left the Angel city he buried all of his artillery, and Weber, learning that the forces were searching for it, told Fremont that if he were provided with a detachment of men and some money, he thought he could find it. These were provided, and finding a number of his California friends who were in Castro's army, Weber handed them a little money, and the artillery was found. Among the cannon was the brass field piece of Captain Sutter; this, together with the other brass pieces, was taken on board the vessels, and at the close of the war the Sutter field piece was given to its owner. Sutter in after years presented it to the California Pioneers of San Francisco. Soon after this event Charles M. Weber started for San Jose, traveling with a company of soldiers. On the way he was taken sick, and was left twenty miles south of San Luis Obispo, in the family of an English sea captain. He remained in this family nearly a month before he was able to journey on. Reaching the pueblo of San Jose in the first of October, a letter came to hand of startling importance to the citizens of the pueblo and the surrounding country, for young Flores had risen in revolt near Los Angeles, and Gillespie, who had been left to hold that town, was a prisoner.

Fears were entertained that the revolt would cause an open rebellion of the Californians in the middle and northern departments, and orders were by Captain Weber received to "enroll for the public service as many men as could be found willing to enter for the term of three or six months, to be kept in readiness to act at any point where there services may be required, and all other Americans who regard their safety are called upon as volunteers to rally for mutual defense around the standard of the United States at the pueblo."

As soon as the news was received at Yerba Buena of that Flores revolt, preparations were begun at once to send a force to Los Angeles and recapture that town. Commodore Stockton and Colonel Fremont had both returned to Yerba Buena, and as soon as the intelligence of the insurrection reached them, Commodore Stockton dispatched the Savannah to San Pedro, "and sent fast in her wake a swift coaster with Colonel Fremont and two hundred riflemen on board, who were to land in the night at Santa Barbara and take the place by surprise. On his way down Colonel Fremont met the merchant ship Vandalia, bound for Monterey, and learned that it was impossible to obtain any horses, as they had all been stolen by the Californians. He therefore returned to Monterey, and the United States forces were for a time defeated of their purpose. The news of this failure reached Captain Weber and humiliated his pride as a captain and as a citizen, for he felt that it was a disgrace to the cause that such a defeat should occur.

About the same time he received a letter from Captain Montgomery, asking him to obtain horses for Fremont's command, and he replied that if horses were to be found he would have them. The Congress had run into Monterey October 16th, having on board a marine corps under Captain Maddox, and the following week he with thirty men marched to San Juan. Weber, expecting a letter would find him there, wrote to San Juan, stating that he was collecting horses.

Starting from San Jose with his splendid company of

mounted riflemen, they rode over all the country between San Jose and San Juan, and collected quite a number of horses and drove them to the latter place. Captain Maddox, riding back to San Jose, immediately started on another raid in the range of mountains bordering on the coast west of Yerba Buena. Having heard of the coming of Weber in search of that important animal, the horse, the Californians and foreigners endeavored to hide their animals in the hills, and in order to secure them it was necessary for Weber to divide his company in squads of two, three and four, and ride quietly through the surrounding hills. In taking horses without regard for friend or foe he took possession of the horses belonging to Wm. D. Howard & Co., and crippled their business, as they could not travel throughout the country with their merchandise. Howard's horses at this time were in charge of Sanchez, and the owner remonstrated with Weber, but in vain. Howard finally went to Captain Montgomery, and here he obtained relief.

Weber left all the horses in charge of the officers at Yerba Buena, and made ready to cross over to the Oakland shore. Taking only the saddles, the men embarked in the launches of the vessels, and on landing took possession of the first horses seen, and mounting them skirmished that whole section of the country as far north as Martinez. These were all driven to San Jose and pastured on Weber's ranch. The horses were sent to Fremont and soon he was on his way to Los Angeles with three hundred men mounted and equipped. During the first week in December Lieut. Bartlett ventured out of reach of the vessel's cannon at Yerba Buena, and was taken prisoner by Sanchez and a force of fifty men, who started another revolution. Weber hearing of the imprisonment of his friend made preparations to pursue Sanchez. For a time he was in doubt regarding his future plan of action, and brave men were in fear. The army was 500 miles away, the force at the pueblo was small and inferior, the marines of the vessels were useless without horses, and the strength of the enemy was unknown. Send-

ing word to Captain Maddox at Monterey to come to Santa Cruz and intercept Sanchez, should he retreat in that direction, Captain Weber sent word by water to Captain Montgomery of his intended plan, and also for a force to hold the pueblo in his absence. Lieut. Pinckney arrived to hold the post, and Captain Weber started for Yerba Buena. On the way he learned that Sanchez had gone with his prisoners into the mountains. Weber concluded to go to Yerba Buena and there obtain reinforcements. Arriving at Yerba Buena he consulted Com. Hull, who, Weber was informed by Montgomery, November 26th, had taken command of the department, and Weber's plan was agreed upon. The force, consisting of two mounted companies and one of artillery, after a tedious delay started on their march. Sanchez, by the tardiness of the troops, had increased his force to more than 200 men and had advanced on to San Jose, expecting to find it unoccupied. Lieut. Pinckney was there to receive him and he again returned to the mountains. In marching towards Santa Clara the road ran across a creek which overflowed its banks every spring, and the troops were obliged to follow the beaten pathway. The overflow of the creek had sprouted an immense growth of mustard seed on each side, and they had grown ten or fifteen feet in hight and of proportionate thickness. When the troops were in the thickest of this mustard they beheld Sanchez coming over the plains in full gallop, firing upon the troops as he approached. The former were thrown into dismay at the disadvantages of their position, and their naval commander was entirely ignorant of the disposing of troops for a land battle. Reaching the open plain the cannon was brought into play, and the famous battle of Santa Clara was fought. It was of short duration, about two hours, for experience has shown that Mexican valor is unequal to American valor, and Sanchez, the last revolutionist of the period, was obliged to capitulate. While the terms of surrender were in progress, a body of men came over the hills at a double quick, firing on the Sanchez party at every step. It was the brave Captain Maddox, who, tired of waiting, was ad-

vancing towards Santa Clara, and hearing the firing, rapidly advanced, only to meet the defeated foe.

In Jannary, 1847, the Californians were everywhere conquered, and soon after peace was declared. By this treaty of peace California came into the possession of the United States, and in less than four years was among the Union of States.

CHAPTER IX.

POPULATION BEFORE 1850 AND THE GOLD DISCOVERY.

Of the vast population of California only a few of the number are the advance guard of civilization, the greater number having arrived after steam communication had been established with the East. The advance guard came to develop the resources of a wild and unknown region, said to be wonderful in its productiveness; but the army came to dig from the earth its hidden treasure. The first white inhabitants of the San Joaquin valley were a branch of the Hudson's Bay Company. This company, that has been engaged in the fur and trapping business for more than a century, was trapping in the tules of the San Joaquin as early as 1834. They formed a settlement at French Camp, and trapped and hunted in the vicinity of Stockton. There were about 400 in the party, under the leadership of La Framboise and Erminger, and they carried on their work for about twelve years. These men, with their Indian wives, returned in the spring and hunted and trapped until fall, and then left, taking what they had gained during the summer, and returning again the next spring.

As soon as Weber and Gulnac obtained the grant Weber tried in every way to induce settlers to locate here.

Besides the partners of the stock and their servants Mr. Lindsay and James Williams were here in 1844, and lived on the banks of the slough near the ship-yard of Stephen Davis. In the same year Mr. Kelsey lived for a short time at French Camp, having been offered a section of land if he would live there a year. The family soon became tired of the latter place and started for San Jose. While in that pueblo Kelsey went to see an Indian who was sick with the smallpox, and caught the disease himself. The family then returned to French Camp, and Mrs. Kelsey started for Sacramento for medical aid. When they arrived here Mr. Lindsay prevailed upon them to stay over night at his house. While there Williams gave Kelsey some medicine that brought the disease to the surface. This so frightened Lindsay that he left and did not return for several weeks. Mr. Kelsey died and was buried near the southwest corner of El Dorado and Fremont streets, and the rest of the family went to Monterey. It is believed that the Indians living here contracted the disease from Mr. Kelsey, and when they fled to the Coast Range the Loclumnas from the mountains murdered Mr. Lindsay and drove off the stock. The next year came the Schmit party, only to return again to the settlement on hearing of the war news. In 1846 the Mexican war brought many to this coast who would never have placed foot on the shore had it not been for this important event. Of this number was the famous Stevenson Regiment of New York Volunteers, a body of men selected for good moral character and for their ability as mechanics. Under the command of Colonel J. D. Stevenson, who still lives in San Francisco, the Thomas H. Perkins, the Susan Drew and the Loo Choo sailed from New York harbor on the 26th of September, 1846. It was expected that the men would remain in the Territory after the war ended, and would help develop the resources of the country.

The Susan Drew arrived at Monterey on February 22d, 1848, with 100 men on board under the command of Capt. Thomas E. Ketchum, of this county. The Thomas H.

Perkins arrived on the 6th of March, 1847. Among her crew were John H. Webster and Samuel Catts of this city. The Loo Choo sailed into port 20 days afterward and Martin Cahill of this county was on board.

Before the close of the year 1847 hundreds of immigrants were arriving in the Territory, and in the same year Weber succeeded in forming a settlement where Stockton now stands. Among those who lived within the limits of the city were Eli Randall, Joseph Bussell, Andrew Baker, John Sivey, R. B. Thompson, H. F. Fanning, Mr. McKee, George Fraezer, Ex-Supervisor Fairchilds and Mr. Pyle. Besides these there was a large number of servants and Mexicans in the employ of Captain Weber. No longer was it necessary for Captain Weber to offer land, money and implements to immigrants if they would remain on the grant. No longer was it necessary to ride from point to point persuading them to come; for the cry of *gold* was about to sound over the Territory, and the natural position of the town upon *tide water* would bring to its gates population by thousands. This cry was heard throughout the Territory in March, 1848, and in a short time the fact that gold had been discovered in the new Territory of California, on January 19, 1848, was known over the world. Many years before the discovery at Sutter's Mill, however, gold was known to exist in small quantities in the Coast Range mountains. Its discovery at the mill was an accident. An employee of Sutter, Mr. John W. Marshall, while digging a millrace on the American river, near Sutter's Mill, noticed a few shining specks in the sand. Collecting them, he showed them to Captain Sutter and they agreed to keep the secret. They succeeded in doing this for nearly two months, when it became known throughout the Territory. This discovery, just at the time when California was passing by treaty into the possession of the United States, caused a multitude of persons to flock to its shores. The soil was known to be rich years before. The Mexican war had given this section of America a prominence, and intelligent minds in America and Europe knew that Cali-

fornia, either by purchase or by conquest, would come into the possession of the United States. As soon as its wealth began to be developed settlers came in throngs. At once the Territory contained the class of men that bring to life the undeveloped resources of nature and carry them forward to a successful issue. Territories usually wait for years before they receive this element in sufficient numbers to become a state, but California contained sufficient population in less than 20 months. With this large population she flew over 30 years at least of territorial growth and at once took her place as a State. When the news of the great discovery became known through the land great excitement prevailed. It is claimed that a printer first gave the news to his Eastern friends by a letter written to a New York paper. This printer's name was Benj. P. Kooser, for many years a resident of Santa Cruz. News of the richness of California was received from other sources, and the inhabitants of the East came to believe that California was one immense gold field, where gold could be picked up by the pound, and thousands flocked to the new El Dorado. An eminent historian, writing upon this subject of emigration, uses the following language: "The discovery of the immense mineral wealth in California at a time when it was passing into the possession of the United States promised to produce as powerful an effect upon the American mind as that of the new world did upon the old, when its riches were explored by Columbus. From East to West, from North to South, the spirit of emigration invested the hearts of the people. It seized the old as well as the young. It pervaded city and country, mountain, glen and valley. It decimated the ranks of every profession. In almost every town and village throughout the land adventurers started, associations were formed, and eager companies of hopeful, ardent and enthusiastic pioneers, who resolved on seeing the new El Dorado for themselves, started across the plains. The highways and thoroughfares in every part of the land were alive with the moving multitude seeking a place of departure. The

wharves of the seaports were thronged with those who were willing to pay any price for a passage and submit to any privations and hardship by the way, so that by some means they might reach the golden shore. Ships were everywhere in the greatest demand. A system of crowding and packing, second only to that of the notorious African slave trade, did not deter nor dishearten the adventurers.

Band after band hurried away, some by the Isthmus, some for the dreary and exhausting overland route, and others, again, for doubling Cape Horn, with all the tedium and discomforts of a six months' voyage. Their name was *Legion.* Without experience in traveling, unused to the hardships and privations of pioneer life, poorly provided with even necessaries for the voyage thousands left their homes, only to perish by the way, or to seize the first opportunity to return. Of the two hundred thousand who are estimated to have gone to California from the United States about forty thousand have died, and twenty-five thousand have returned sick or discouraged by the hardships of a life of which they had not only no experience, but no idea.

These multitudes, crazy in the belief that "her streams were rivers of gold and that it sparkled in her coronet of cliffs," took up the cry "On to California!" and when they arrived, they found others who had come before, and with them they were to pass through a severe ordeal of privations and hardships before they could reap the golden harvest.

Before the discovery of gold the pioneers, by means of the vessels that arrived from the Mexican and American ports, were supplied with all the articles they required, even to agricultural implements. Cattle were worth only from $3 to $6, the value of their hides and tallow. These were exchanged for ship goods. One of the vessels on the coast in 1846 was owned by W. M. Howard & Co., of Boston; Henry Adams, ex-President of the Pioneer Society, was a sailor boy on this vessel. Horses were also plentiful,

and were worth from $10 to $75, the latter price being paid for a good cattle horse, as the driving and lassooing of cattle required a horse trained to the work.

Lumber was worth $25 per M., and unskilled labor was $1 per day, while first class mechanics received $2 50.

The settlers were engaged in different kinds of occupations all over the State until the breaking out of the Mexican war. They then either joined the army or withdrew to the settlements. After peace was declared they returned to their labors, happy in the thought that they were now secure under the protection of a government in which the majority rule, and under which the rights of property would be respected. Little did they dream that in a few months they would abandon their labors and rush to the mountains to dig for gold.

The first news of the finding of gold was treated quietly and as if of not much importance; but when men came from the mills and the settlements and bought all the shovels and picks that could be found at $16 apiece, and offered laborers more for one day's work than they could earn in six, they became excited, and left for Sutter's in any conveyance that could be found. Others, still more incredulous, remained at their occupations; but when they saw bags of gold containing $5,000, $10,000 or even $20,000 as the result of a week's or a month's labor, they became wild and were off for the mines.

Every American is democratic in principle, and although no form of government was in existence every community was a law unto itself. The old-fashioned pioneer's law of a just verdict and a quick punishment was meted out by twelve honest men. Connected with these trials there is a thrilling grandeur of fact that should be preserved, for in some instances the verdict of the jury was hasty and the eloquence of one of their number, pleading for the life of the accused; has never been excelled before any court of justice; for the pleader was not talking for money nor for fame, but from a conscientious heart he was pleading for the life of an innocent fellow being, and that depth of

pathos and sincerity of expression that come from an honest mind cannot be studied or feigned.

In some of these cases it required nerve and bravery to defend an accused, as the pleader was suspected of being an accomplice, and in a trial in one of the mountain towns the rope was transferred from the neck of the accused to that of the defender, and only an appeal to time and reason saved his life. The silver-tongued orator, Colonel E. D. Baker, who was killed at Ball's Bluff, has been censured for allowing an innocent Mexican woman to be hanged in a mining camp, when his eloquence could have saved her life.

Their punishments were two: death for murder or theft, and banishment for all other offenses. These severe laws upon the few who would commit crime constituted a check, and it was a period when honesty prevailed. As a consequence of the severity of the law, clothing, food, groceries and articles of every description were absolutely safe.

Before 1850, when the ocean steamers began to bring some white women among their passengers, there were but few in the territory, and even in the mountain camps, as late as 1854, a respectable woman was a novelty.

In 1849 a ball was given in an adobe house on Main street just below Center. It was quite largely attended, but broke up early, there being only one woman present, and she a Mexican. The presence of a white woman, whether chaste or not, caused a greater excitement and rejoicing than would be caused by the arrival of the Queen of England in our city at the present time.

From some defect in society, either socially or otherwise, women have always been a paying feature in saloons, and in the fall of 1849 two women were imported from San Francisco and dealt monte in one of the saloons. It was a sharp transaction, as the women drew crowds to see them and money was freely spent. In the mountain camps men came ten miles to see the wife of a miner after the arrival of a steamer, and on one occasion a company of miners danced around an old hoop-skirt found by the roadside.

The little village on the Stockton slough at once after the discovery of gold became the depot for supplies for the mines, and a living city sprang into existence in a few months; so that by December, 1849, there was a city of over 1,000 inhabitants engaged in various occupations. There were also many vessels lying in the stream.

J. H. Carson, who passed through Stockton on his way from Monterey to the mines in the Summer of 1848 and returned the following year, gives this account of the place in his "Life in California." He says: "When I arrived May 1st, 1849, a change had come over the scene since I had left it. Stockton, that I had last seen graced by Joe Bussel's log house with a tule roof, was now a vast linen city. The tall masts of the brigs, barks and schooners, high pointed, were seen in the blue vault above, while the merry *yoho* of the sailor could be heard as box, bale and barrel were landed on the banks of the slough. A rush and whirl of human beings were constantly before the eye; the magic wand of gold had been shaken over the desolate place, and a city had arisen at the bidding of the full-fledged Minerva." Here were met together in a strange land a band of men all seeking for one object, and that was gold. It could be obtained in but one honest way, and that was by hard manual labor. Hardship and privation stared them in the face, for clothing, provisions and everything else, in fact, were scarce and very high. This hardship placed them on an equality with one another, and all along the pathway of time, from that time to the present, there is a feeling of sympathy when pioneer takes pioneer by the hand.

In all business transactions gold dust was the currency, being usually sold by weight at $16 an ounce. Sometimes articles were bought and sold for so many pinches of dust, a pinch being the amount which could be gathered between the forefinger and the thumb. Again, the bag would be passed over to the seller for him to help himself. A story is told of a Jewish dealer who was so avaricious that he would have his hand oiled, and, diving it deep into

the bag, would bring out a pinch of gold with a large quantity of it sticking to his hand. The gold found in these mines was of two kinds, scale gold and coarse gold. Of the latter many pieces are still in existence, in possession of those who took them from the ground. The gold was sent to San Francisco, where it was melted into bars valued at $50 each, and usually called "slugs." The dust was carried by the miners in a belt, made of material obtained from the Indians. It was made of strong buckskin, doubled, from two to four inches wide, with an opening at one end, and made so as to fasten around the body at the waist. By this means the weight was distributed equally, and it is said that men have carried $15,000 in one of these belts. Previous to the establishment of banks in Stockton, miners would come to the city, but were unable to find any place of deposit for their gold. Captain Weber, equal to the occasion, and having an eye to business, built the first gold vault in the city in 1851. This vault was placed in his office on the corner of El Dorado and Channel streets. It was built of brick and adobe, but had iron doors which cost $1,000, iron at that time being very scarce and high. There he received money, gold dust and valuables of all kinds for safe keeping, charging a certain per cent for the deposit. The following is the exact copy of a receipt given by Weber:

"Received of, Stockton, 18 Aug., 1851, John Beingler, 1 bag containing 4 specimens coarse gold weighing 44 ozs., and two bags containing both together 176¾ ozs. gold dust on deposit, depositor paying ½ per cent per month for safe keeping.

WEBER & HAMMOND,
Per E. M. Howison."

With this grand opportunity for making money came suffering, misery and death, resulting from an overcrowding of the territory. Thousands came with just enough money to get here, but without clothing or blankets, and were dependent upon the charity of others. The population was far in excess of the supplies of the necessaries of

life, and the prices of everything necessary for comfort or food became exorbitant. Flour was worth $200 per barrel, eggs, $12 per dozen; blankets, $75 to $100 per pair, and boots, $50 a pair.

At times, many of these necessaries could not be obtained, as it was impossible to import food fast enough to supply the demand. Vegetables at this time were not to be had at any price.

As a consequence of lack of proper food and clothing, many persons died of disease contracted from exposure. The names and former homes of many of these are and always will be unknown. Persons never stopped to inquire each other's name or birthplace, because to-day they were here, and to-morrow they were gone to some other place, and *Bill*, *Dick* or *Shorty* was the only name by which they were ever known.

In closing the account of the earliest population of this vicinity it may be of interest to note the *Mexican*, who was an important factor in the first colonization of the valley.

When California was ceded to the United States a large proportion of the inhabitants were Mexicans and Indians. When Captain Weber settled upon the grant, he employed a large number of these men as servants and vaqueros. Here they lived with their families and as the population and trade increased large accessions were made to the population from the Mexicans. The principal occupation of this class was that of vaquero and stock herder, or pack mule driver. Saddles, bridles, riatas and other trappings of the vaqueros were manufactured by them. Since there were so many horses to be broken, hundreds of Mexicans found employment in that business alone; one cattle owner having as many as fifty men constantly employed.

After a time the lands in the valleys were purchased for raising grain and hay and the cattle owners were obliged to seek new pastures. The farmers each commenced the raising of a few cattle and those were easily managed. The horses, accustomed to be handled from colts, were kind and docile, and the wild mustang that required two

expert horsemen to saddle disappeared. The services of those who had formerly attended to the herds of horses and cattle not being longer required, they gradually disappeared also, until now there are but few Mexican families residing in or near Stockton.

"The origin of this race is not known, but their history has been traced to the twelfth century, and in 1325 they founded the city of Mexico. They were highly civilized and had made great progress in the arts as evinced by their paintings and sculptural monuments."

When Cortez conquered Mexico his soldiers intermarried with the Aztecs and as generations passed away the sons by these marriages united with the Indian women of the Missions, and from this mixture of races came the Mexican of to-day. They have sadly deteriorated and are but a few degrees above the barbarous races in intelligence and industry. In religion they are Catholics and to their religion they are bigoted slaves. The Church is authority in all matters, temporal as well as spiritual, and the government is at all times subservient to it. The history of Spain and Mexico is the history of the Church and the colonization schemes of these two countries are, in reality, the schemes of the Church for obtaining converts to its faith.

One of the religious festivals which the Mexicans observe even now is the hanging of Judas Iscariot. It is a yearly festival, and on the occasion of its celebration an effigy of Judas filled with fire crackers and gunpowder is drawn about the streets to the sound of discordant music until near the hour of Mass. It is then taken to a scaffold near the church and hung. Fire is then applied to the effigy and it is scattered into fragments. A loud cheer then arises from the spectators, and they enter the church to take part in the Mass for the occasion.

Every Mexican was the owner of a horse, which was a greater pride than wife or children. So great was their desire for horses that if they could not buy they would steal, and if at any time they saw animals better than their own they would make an exchange unknown to the owner.

Before the influx of white population it was usual for them to take each other's horses, and, after riding to their journey's end, to send them back by another rider or turn them loose and let them find their way back. This was the custom of the country, and was not looked upon as a crime. After the State was organized the Mexicans continued the same practice and were not particular as to whose horses they took. Horse-stealing became so common that the legislature of '50 or '51 made it an offense punishable by death; but the law was too severe, and it was repealed at the next session. Public opinion, however, sanctioned the death of the culprit, if caught in the act. We remember two cases of this kind.

A gentleman, on going to his stable one morning, found his best horse gone. Hastily saddling another, he started in pursuit, and overtook the Mexican about five miles from town, cooking his breakfast. The stolen horse was picketed out near by. Drawing his revolver, he killed the thief on the spot, and coolly picking up the body, he threw it across his saddle horse and came back to town. Upon another occasion a gentleman living in the northeastern part of the city heard a noise in his stable. He ran out of the house in time to see a man leading his horse from the stable. He fired at the thief, who jumped the fence and ran with the speed of a deer along California street. The next morning soon after daylight he was found dead and cold at the corner of California street and Weber avenue, with four bullet holes in his body. No one knew how or by whom he was killed, until, at the inquest, the gentleman who shot him came forward and stated the facts of the case. Such scenes as these seem horrible, but the times demanded severe punishment, as without it no man's property would have been safe. This was before the railroad and telegraph were in operation here, and a horse-thief with a good horse could ride out of the State faster than any body of men could pursue him.

Horse-stealing and robbery became, with many of these Mexicans, a trade, and their favorite weapons were the pis-

tol and the knife. In close quarters they would fight till death, rarely ever giving up until mortally wounded. An instance of their bravery is seen in a duel which took place fifteen or twenty years ag and which is still fresh in the minds of old Stocktonians. An old Mexican, suspecting that his wife was receiving the attentions of a man younger than himself, resolved to find out if his suspicions were correct. He told his wife that he was going to Mariposa on business, and left the city. He returned, however, about two o'clock in the morning and found the suspected party at his house, and one of them must die. Going to a large tree then standing near the corner of Sutter and Market streets, they commenced their bloody work with bowie-knives. Alone they fought, witnessed only by one who, in the language of those times, thought, "It is only two greasers, let them fight." The next morning the old man was found dead at the foot of the tree with twenty-four cuts on his body, and the young man was found twenty feet from the tree, dying from the effects of twenty-one stabs on his body. Such is their method of revenge in some instances. But perhaps the most diabolical retaliation supposed to have been committed by Mexicans was the killing of Aaron Golding, a Cherokee Indian, at his home in Corral Hollow, on the 29th of February, 1863. Golding was a cattle dealer, and was well known in Stockton. Some parties, in passing through Corral Hollow on their way to Livermore Valley, found the house burned to the ground, and on examination the bodies were found burned to a crisp. The parties had by some means succeeded in noiselessly entering the house, and securing Golding, his paramour, a herder named Pedro and a child by cords, murdered Golding, and the rest of the party to escape detection, and then fired the house and the barn, burning all the stock. The child was then about thirteen years old, and was the son of Mr. J. H. Webster, of this city, and was then on a visit to the family. How or by whom the murder was committed is not known; its cause is only surmised from the fact that Golding was living

with a Mexican woman, the wife of another. It is probable that jealousy was the cause. This was no unusual occurrence at this time. It is also known that Golding murdered a Mexican in 1857, and revenge may have prompted a friend of the murdered man to retaliate. The Mexican, like the Indian, never forgives an enemy.

The crimes of this race are without number in the annals of this State, and it is to be regretted that such is the case, as there are many Mexicans who are citizens and many pioneers who have Mexican wives. There will never be a change in the Mexican, his country or his government until they are controlled by the people who conquered them in 1846.

CHAPTER X.

TERRITORIAL AND STATE GOVERNMENT.

When Commodore Stockton had taken possession of Los Angeles, presuming that the war, as far as California was concerned, was ended, he appointed Major Fremont military Governor on the 24th of August, 1846. He was to watch the interests of the new territory and guard against any surprise from the Indians or any foreign enemy. He was to assume the office as soon as Stockton left the coast. Commodore Stockton expected to take his squadron to Mexico and aid the land forces there, and also protect the American commerce along the coast. The outbreak of the Flores rebellion detained him until the middle of January, 1847, at which time Fremont became Governor of California and Stockton was succeeded by Commodore Shubrick. Commodore Stockton acted in accordance with orders from Washington, which he had received while lying at Honolulu in the spring of 1846. In June of the same year General Kearney, under instructions somewhat similar, started from Fort Leavenworth with a force of 1,500 men, marched

to New Mexico, and, having taken possession of this territory, took up his line of march to California. He was also authorized to reinforce his command from the emigrants on their way to California and Oregon. Passing along the Rio Grande, he was met by an express rider from Fremont, and informed, much to his disappointment, that the work had already been accomplished. Kearney sent back a part of his troops and continued his march toward California, expecting to assume the office of Governor of the territory. He was again deceived, for on his arrival in California he found the place already filled by another, acting by authority of the Government.

Kearney was not inclined to give up the laurels with which he expected to be crowned, and claiming the office under a conditional authority, "should he conquer the country," he applied to Commodore Shubrick for the position. According to some authorities, Shubrick and Kearney planned a method of deposing Fremont, by issuing a proclamation to the people, purporting to be from President Polk, assigning to Shubrick the regulation of port charges as naval commander, and to General Kearney as military commander the functions of Governor. This was a very sharp plan on the part of these two as it gave them the collecting and the disposing of the State funds—a very important measure to government officials.

But Fremont, with true courage, was not to be intimidated by proclamations, and held his office until March 11th, when an unjust order from Washington came, commanding him to muster his battalion into the regular service, and if they were unwilling to be *mustered*, to march to San Francisco and discharge them. By this novel procedure Fremont was again thrown back into the service, and Kearney continued as Governor. Soon after this affair, however, Governor Kearney returned to the East, and appointed as his successor, Colonel Mason, whose fighting propensities disgraced him and his office within a year. General Bennett Riley succeeded him in April, 1849, and acted as Governor until the State Legislature relieved him.

The Territory was under the authority of a Governor, but without any Government. President Polk, in his message to Congress in December, 1848, had urged the necessity of immediately establishing territorial governments in all of the newly acquired portions; but Congress took no action upon the recommendation of the President. The Californians, thrown upon their own resources, were obliged to form their own government and laws. General Riley kept in force, as far as practicable, the Mexican system of laws, rejecting only those that were in conflict with the laws of the United States. With these laws the people were not familiar or content, for the next Congress might abolish this form of government, and completely annul the decisions of its courts. On account of these possibilities property was insecure and titles of land imperfect. Immigrants could not settle upon the land with any security, except for a short season. Business transactions were small and very little credit was given. Restless and uneasy, the pioneers sought a better form of government —that to which they had been accustomed. With prophetic judgment and broad views regarding the future of the Territory, they resolved to leap over the years of slow territorial growth, and at once apply for admission as a State. They were not visionary in this idea, for the State was rapidly filling up with a population from every State and country on the globe. Adopting the true American custom of mass meetings and conventions, their first meeting was held at Monterey, on the sixteenth day of January, 1849. After some deliberation it was deemed best to await the action of Congress, and they adjourned. In the Spring a petition was presented to General Riley, asking him to call a convention of delegates, looking to the formation of a State Government. Governor Riley, on the third of June, 1849, issued a proclamation to the people of California. In this proclamation he called attention to the fact that Congress had failed to provide a new government for the Territory; he also referred to the means, which in his estimation, were the best calculated to relieve

the people from the embarrassing position in which they were placed by this neglect. The instructions from the Secretary of War were, for him to assume the position of Civil Governor, his military authority being ended as soon as the war was closed. Under these instructions he continued in force the existing laws, until such a time as separate laws should be made by the people. He divided the Territory into ten districts, making all American citizens over 21 years of age and all Mexicans who had been driven from Mexican soil for aiding the Americans, voters. He also ordered a special election upon the first of August, and at this election the people in each district were to elect their Judges, Alcaldes, Prefects, Sub-Prefects and other officers—these officials to serve until January 1, 1850. The election in the San Joaquin district, which comprised all of the valley south of the Cosumnes river, lying between the Coast Range and the Sierra Nevada mountains, did not take place until the sixteenth of August. This large tract was, at that time, sparsely settled, and was entitled to only four delegates. Before the election took place the population had so largely increased that the San Joaquin district was entitled to fifteen delegates. Assuming their right to the number, they elected fifteen delegates instead of four. Judges of election were appointed, and the polls opened at 10 A. M. and closed at 4 P. M.; or at sunset, if the judges thought best. It must have been a proud day when the citizen deposited the first ballot in California, and had a voice in forming the government of a State of which the nation has since been so proud and from which it has realized so much wealth. The following persons were elected as the first representative body from San Joaqnin:

NAME.	AGE.	OCCUPATION.	TIME OF RESIDENCE.
J. Mc Hollingworth	25	Lieut.	3 years.
O. M. Wozencroft	34	Physician	4 months.
T. M. Vermule	35	Lawyer	3 years.
B. S. Lippincott	34	Trader	3½ years.
B. F. Moore	29	Sport	1 year.
J. M. Jones	25	Lawyer	4 months.

These took their seats in the Convention. The other nine elected did *not* take their seats, being too much occupied with their business to participate in a Convention which might prove to be of no avail. The Convention assembled in Monterey, September 1, 1849. There were 47 members, some of whom have made their mark since that time in the history of the nation. H. W. Halleck afterward became Secretary of State and since that has won distinction during the civil war as general in the army. Louis Dent and Wm. M. Gwin, familiarly known as Duke Gwin, were also members of this Convention. The latter won the distinction of being one of the worst of knaves. C. G. Botts, since an editor of repute at Sacramento, J. A. Sutter, the old pioneer, and M. G. Vallejo, that old gentlemanly pioneer of Spanish ancestry, were also members,

We will here narrate a little story of this last named gentleman, strange and romantic. It was told by himself in the first legislature, he being on a committee to report the origin of county names. In his own language, in referring to the history of San Luis Obispo, he says: "As a matter of course, at that period few families had migrated to this country, and any one of the female sex was an oasis in the desert. The writer's father was one of the many who emigrated here in bachelorship, and while sojourning in San Luis Obispo he unexpectedly met with a lady who was in travail and about to bring a new being into the world. As there was no one except her husband to assist her, he acted as her holder (*tenedor*). The lady was safely delivered of a girl, whereupon the holder, then a young man, solicited the hand of this child, and a formal agreement ensued between the parties, conditional that if at mature years the girl should willingly consent to the union, the ceremony should be duly performed. The marriage took place when the young lady had reached her fourteenth year, and the offspring of that marriage has now the honor to present to his readers this short biographical sketch.

The "Declaration of Rights" of this convention was first framed without any slavery clause. The clause prohibiting slavery was introduced by Mr. Shannon, an Irishman by birth, who had emigrated to California three years before from New York. This clause was adopted without a dissenting voice. Considering the nature of the convention, it was expected that this clause would call forth loud and angry expressions, for here were men who believed slavery to be a divine institution and men who believed it to be a blighting curse; but the honest purpose to frame a constitution in harmony and concord seems to have caused all to put away personal feeling. Strangely enough, a clause was offered, but defeated, to prohibit the introduction of free negro labor. The constitution also provided that in the first legislature the district of San Joaquin should be represented by four Senators and nine Assemblymen.

This remarkable convention — remarkable because it was composed of young men unexpectedly called to positions in which they had had no experience—finished its labors on the 13th of October, 1849. To the people they submitted a constitution that has received the highest encomiums of praise. The constitution was adopted on the 13th of November, and at the same election were chosen the officers who were to guide the destinies of the young State for four years. There were four candidates for Governor, each receiving the following votes:

Peter H. Burnett	6,716
W. Scott Sherwood	3,188
J. W. Geary	1,475
John A. Sutter	2,201
W. M. Stewart	1,619

It was claimed that the population at this time was:

Californians	13,000
Americans	76,069
Foreigners	18,000

The vote for Governor was a small one, considering the number said to be in the State. Six weeks after this election seven candidates ran for Lieutenant Governor, with the following as the votes of the two highest:

John McDougald.....7,374
B. Roman.....2,368

In the vote for Governor it is said that undue influence was used, that undue influence being the two daughters of Peter H. Burnett. Burnett was an honorable man, and had lately come from Oregon. These young ladies were unmarried, and the young men of the state, desiring their approbation at least in thought, if not in their presence, voted for their sire in place of the bachelor Scott Sherwood. These two ladies are now Mrs. C. T. Ryland, of San Jose, and Mrs. Judge Wallace, of San Francisco. San Joaquin was not free from the enchantment, for she gave Burnett 928 majority, his unfortunate rival receiving only 418 votes.

Those elected as Senators in the first legislature were:

David F. Douglass.....2,587 votes
B. S. Lippincott.....2,425 "
G. L. Vermule.....2,273 "
Nelson Taylor.....1;755 "

Of these four Senators, David F. Douglass served his entire term. He again represented San Joaquin in the Assembly of 1855, and the following year had the honor of being Secretary of State. Mr. Douglass was a Southern man, born in Tennessee January 8, 1821. A gentleman of honor and integrity, he was respected for his sterling qualities by all who knew him. He died June 17, 1872, and now sleeps in Rural Cemetery. Vermule resigned on April 10th to take the office of City Attorney of San Jose. Lippincott was again elected to the Assembly in 1856. Taylor's seat was declared vacant in February, 1850. He was afterward, in 1853, elected Sheriff of San Joaquin county, and is now in the Sheriff's office in New York city. An election to fill the vacancy was called for March 3,

1850, and the following result of votes needs no explanation:

Wm. D. Fair	1,194
G. B. Van Buren	327
E. L. B. Brooks	115
Wm. Everett	49
J. B. Van Buren	22
Total	1,707

The Assemblymen elect from San Joaquin were B. F. Moore, R. W. Heath, D. P. Baldwin, Charles M. Creaner, J. S. K. Ozier and John C. Moorehead Legislative honors were very lightly considered by this body of Assemblymen, for before the close of the session, April 22d, all of the members had resigned but two. The Legislature met at San Jose, December 15, 1849. On that day but six Senators answered to their names, none of these being from San Joaquin. All of the Assemblymen were present except Heath.

The Winter rains had set in and the roads were almost impassable, and as the travel overland was on horseback many were unable to be present at the opening of the session.

On the 17th of December, however, the members present were sworn in and took their seats. On the same day the Senatorial vote was canvassed, and it appeared that the vote of the San Joaquin district was next to the largest in the State. As the American population was composed chiefly of men, the vote will give some idea of the American population of the State at that time, the figures being for the vote polled for all the candidates in each district:

San Diego	346
Los Angeles	663
Santa Barbara	226
San Luis Obispo	44
Monterey	365
San Jose	544

San Francisco	6,159
Sonoma	623
Sacramento	18,390
San Joaquin	10.582

Governor Burnett was sworn in on the 20th of December. On the same day the two houses in joint session proceeded to the election of two United States Senators. On the first ballot J. C. Fremont received 29; W. M. Gwin, 22; H. W. Halleck, 12. On the second ballot Gwin, 22; Halleck, 14 Fremont and Gwin were declared elected.

On the 15th of February a law was passed dividing the State into counties. March 2d, a law was passed authorizing county elections, and on April 4th an act was passed giving San Joaquin county one Senator and two Assemblymen. An address was sent to Congress, asking admission to the Union, and news was received on the steamer Oregon, October 13th, that California had been admitted to the Union on the 9th of September, 1850.

California knocking at the door of Congress for admission as a State agitated the whole nation, for it struck at the chain of the slave, and three millions of bondmen felt the blow. California had said that there should be no slavery or involuntary servitude, except for crime, and this word was a blow at slavery and its advocates. Then came the question again before Congress that had long been a keg of gunpowder, needing only a match. For months they fought the old battles again, but finally the Free-Soilers were victorious and California came in as a free State, and with it came many Southern men who were determined to rule or ruin its future destiny.

Did they succeed? The history of politics in San Joaquin brings no honor to their administration, and their neglect of duty led to the formation of vigilance committees all over the State and the disgracing of the Supreme Bench, by one of its Judges resigning his office to quiet the leader of another party, by killing him. According to the predictions of many, some Southern men brought

their negroes to the State, and for a number of years kept them employed as slaves, the blacks not knowing that they were free. An advertisement that appeared in the San Joaquin Republican, of September 25, 1854, would almost lead one to believe that California was a slave State, so strongly was the State controlled by Southern men.

"Escape of a fugitive slave. Mr. O. R. Rozier called on us yesterday, and stated that his slave *Stephen*, whom he had brought with him from Sonora, and was taking back to Alabama, made his escape from the steamer Urilda while lying at the wharf, on his way to San Francisco. Mr. Rozier is still in the city, at the St. Charles, where he will be pleased to receive any information of the fugitive."

Many of the negroes now living on the San Joaquin were brought here by their masters. Emanuel Quivers, an aged man of family and property, died here in 1879. He was brought to the State by Colonel Fremont. Governor Bradley brought a deaf and dumb girl known as Eliza, and by him she is said to have had children. In 1850 Mr. Fairbanks brought five negroes from the East. He took them to the mines, and the four men worked for their freedom, paying him $1,000 each. The negro woman afterwards married a white man. Many others in this city and county were brought to the State as slaves, and bought their freedom.

The State of California rapidly increased in population, wealth, commercial importance and agricultural products under the well framed constitution for thirty years. Then it was that the Republican party, by a long continued lease of twenty years of political power, became wedded to the offices of the State, and a change was needed. Long continued power, in official life, gives a feeling of security, and security produces selfishness of thought and purpose. A change of party had no lasting effect, and the political wheels only cut the deeper. Taxes were too high and were assessed unequally. Officers with high salaries were unnecessarily created; the appointed offices of the State

were given to a chosen few, and these were taxed for the purposes of defraying the expenses of political campaigns. Gigantic schemes of fraud by corporations were passed as laws by the legislatures. Bribes were given and votes were bought by the thousands to control elections, and the people demanded a change.

Then arose a party under the leadership of Denis Kearney, called the Workingmen's Party, and they demanded a reform. The burden of their song has been a reduction of salaries and equal and uniform taxation. The Legislature of 1878 provided for the calling of a Constitutional Convention. Delegates to that Convention met in Sacramento early in 1879. The Workingmen had no party in San Joaquin county, and the delegates were elected from the Republican and Democratic parties. Messrs. W. L. Dudley and J. R. W. Hitchcock were from the Republican, and John B. Hall and David S. Terry from the Democratic ranks. In the Convention D. S. Terry deserted the party that elected him, and had acknowledged him as a leader for over thirty years, and joined the hybrid party of Workingmen. The new Constitution was adopted by the Convention March 3, 1879. It was ratified at the polls by the people in May, and at 12 o'clock M., January 1, 1880, the old organic law of the state passed into history, freighted with the joys, sorrows, hopes, disappointments, successes and reverses of a people that are still sailing on the sea of time under the new Constitution, expecting to reap still greater blessings than before, and to leave them unimpaired to their children.

CHAPTER XI.

All governments of civilized nations must have three separate departments of law, viz: a law-giving or legislative; a law interpreting, or judicial, and a law enforcing, or executive. These three, acting together under one su-

perior head, constitute their political system. In the laws of California we have had three changes: first, the Mexican law; second, the mob law; third, the equitable law. Each has had its period and sway, and we shall briefly notice the laws of the different periods, giving a few examples of each as we proceed.

The government of the State under the two first-named systems has been a disgrace to its early history. Mexico, when she won her freedom from Spain, adopted a constitution similar to our Federal Constitution. Legislative bodies and superior and inferior courts were formed. The supreme government had its seat in the city of Mexico. Each state appointed its own governor. "In default of such appointment the office was temporarily vested in the commanding military officer of the department." California, being so far away from Mexico, the home government appointed a separate government, denominated the territorial government, or departmental assembly. This department had its capital at Monterey and consisted of a Governor and a council of seven, who had limited power to pass laws of a local nature. The powers and duties of the Governor were limited and defined by the laws. He was allowed a secretary, whose duties were also properly defined. The superior court was also part of this system, and consisted of four judges and a fiscal. The Territory was divided into districts, and each district contained a court of the first instance, Alcaldes, local justices of the peace and town councils. The Alcaldes had concurrent jurisdiction among themselves in the same districts, but were subordinate to the higher courts. Prefects and Sub-Prefects were officers appointed in each district, who were to maintain public order and execute the laws, their duties being similar to those of the marshals and sheriffs of the present day. Each court was entitled to a clerk, and the salary of the judge, $1,500 per annum, was paid by the Governor. The town council had the same duties to perform that our municipal councils now have, only their duties were more extended. They were to watch the quali-

ties of groceries, liquors, drugs, etc., offered for sale; care for the hospital; guard against contagious diseases; submit to the prefect an account of all the births, marriages and deaths; see that there was an abundance of water for the use of the inhabitants, and establish common schools. There were forty articles, all relating to the town council. The Legislature had the power to pass laws for the levying of taxes for these objects, the fund being known as the municipal fund. Commodore Sloat recognized this system, and in a proclamation said (referring to this court): "With full confidence in the honor and integrity of the inhabitants of the county, I invite the Alcaldes, judges and other civil officers to execute their functions as heretofore, that the public tranquillity be not disturbed, at least, until the Government of the Territory be more definitely arranged."

The laws then in force were crude, imperfect and little understood by the legal fraternity. They were liable to be misconstrued, and many very curious decisions have been given. The various branches of Mexican jurisprudence in this county were Alcaldes, Prefects, and courts of the first instance, and we shall notice each in order.

Gallant D. Dickenson was the Prefect during the whole period of Mexican jurisprudence. He was faithful and trustworthy.

The word Alcalde is of Spanish origin, and is the same as Justice of the Peace. The Alcalde's court seems to have been more of a farce than the higher courts. The Alcalde courts were influenced by friendship, bribery and fraud; and when the mob took possession (a common occurrence) woe be to him on trial if he was without friends or money, for his case was hopeless.

The town of Stockton being inhabited but a short time previous to the admission of the State, the Territorial Government is brief. The first Alcalde was George G. Belt, and he signs himself as such September 20, 1849. The next was Judge Reynolds, followed by Benj. Williams. These two men were corrupt and dishonest. When the

constable brought a prisoner for trial the question was asked whether the culprit had any money. If the constable said that he did not know, he was ordered to search the prisoner, and if he had no money to let him go. Judge Townsend was in office in the time of Judge Reynolds, but was *honest, upright* and *merciful.*

Mr. William Phelps, clerk under Judge Townsend, was, for three months, acting Alcalde.

The courts of these officials were not held in any particular locality, but were changed about from place to place to suit the convenience of the judge, the financial interests of that official being the moving force. In the Spring of 1849, the place of holding Alcalde court was on board a brig lying in the harbor. In later times it was no unusual occurrence for the corner of a store, tent or hotel to be turned into a temporary courtroom. The judge would often be seen sitting on a barrel of pork, hard tack or whisky, administering justice. The whisky shop was often made to do duty as a court of justice.

We give an instance of the mode of administering justice for a number of years. This incident took place while Judge Reynolds was in office. The Central Exchange, a building 30x60, was built in 1849 on the southeast corner of Main and Center streets by J. B. Nye and Samuel Geddes, at a cost of $14,000. It was built of wood, the floor of Oregon pine and hewn smooth after its arrival in Stockton. The roof was covered with shingles costing $30 per 1,000. This place was occupied as a saloon, and the first piano ever heard in Stockton thrilled with pleasure the gambling crowd that assembled here. A noted gambler named Bob Collins had rented the tables for $1,000 per month, for the purpose of opening a gambling house. These tables he sub-let to other parties at $10 per hour. Business not being as lively as he anticipated, he hit upon a novel plan to increase his profits and the receipts of the bar. Walking down on the levee, he learned that Judge Reynolds was holding court on board a store-ship. Being acquainted with the Judge, he planned

it with the proprietor of the saloon to ask Reynolds to hold his court there, for, says Bob, "if we can get him up here it will draw a crowd to court, and we can do a way up business." It was agreed that the Judge could occupy the attic as a bedroom free of cost. That day Bob saw the Judge, and they walked down to the Exchange and took a drink—a thing which the Judge was never known to refuse to do. Bob broached the subject, showed the many advantages of location, room, etc., lodgings for the Judge thrown in, and they took a drink. The Judge acquiesced in the arrangement, and moved his office goods, consisting of a table, bed, pen, ink and an old book of Spanish law, to his new quarters. Everything was harmonious in this court, saloon and monte bank, until one day an action came before the court in which Bob Collins was an interested party. It happened that a young man who was a sharper, and shrewd at monte and faro, "broke a bank" just below the saloon and came and deposited the money in Collins' bank until the next day. He came the next morning and said to Bob, "I will take my money." "Why, you are joking." "No, I am not," said the depositor, "I want my money." Says Bob: "You have left money here before, and never have called for it, and what in —— ails you?" "Well, I want my money." Bob failed to hand it over, and a suit was begun. Witnesses were called to prove that he had never called for his money before. While this investigation was going on, the voice of Bob was heard: "Come right up, gentlemen; this is the place to get your money back." The Judge, stern and dignified, sat in his arm-chair, elevated on a dry goods box. No decision could be made, and finally some one suggested a division of the money. "I want my fee out of this," said counselor Terry. "And I shall have *my* fee," said lawyer Perley, putting his hand behind him as if to draw a weapon. In an instant fifty hands went down for pistols and knives. The Judge, seeing the state of affairs, stepped down to where the money was lying and pulled it into his hat, filling it nearly, and at the same time re-

marked that the court would take care of it itself, and dismissed the action. Bob did not like this state of affairs; so he says: "By ——, this court is ruining my business; everybody rushes over into that corner and leaves me all alone." In order to get the Judge out, he got him into a game of poker, won all of his money by putting up aces on him, and then called on the Prefect, George D. Dickenson, to put him out. The poor old Judge, whose love for whisky had brought him to this condition, never resumed practice, but went to Mexico and was never heard of more.

In pioneer work in a State but little attention is given to science. Man's physical wants first demand his attention. In the rush for gold, Kent and Blackstone were laid aside as of no value. But in arriving here the lawyers found their profession more lucrative than the pick and shovel; and, abandoning the search for gold in the mines, they engaged in the pleading of law in the town. As their law books of reference were left in their distant homes, they were obliged to rely on memory. The only law book in town was an old Spanish law book, the property of Judge Reynolds, he having brought it from Mexico. As there were few Americans who could read Spanish, Reynolds read the law and interpreted it to suit himself.

The Mexican court system also comprised district courts, known as "courts of the first and of the second instance." In San Joaquin only the "court of the first instance" was in existence.

San Joaquin district being sparsely inhabited previous to the rush for gold, there was no necessity for law or courts, and no records are to be found previous to those of October, 1849. The first records show that on the 8th of October, 1849, the case of Belesario Martinez vs. Dr. Jelly was brought from the court of the second Alcalde on appeal. Hon. Judge Belt was Judge of the Court of First Instance, J. G. Marshall was Sheriff, S. Haley was Clerk and Thos. B. Van Buren was District Attorney. The earliest criminal case on record is the case of The People of Upper California vs. John Tracy, for the murder of Dennis

Mahon. The first murder was committed by James McKee, he killing B. K. Thompson in January, 1848. These two men were among the first settlers upon the grant. Thompson was a gambler, and is said to have killed three men previous to coming here. He was arrested and taken to Sutter's fort for trial and was acquitted. Returning to the town, he was shunned by all, and soon afterward started overland for the States. On the way he became involved in a difficulty with one of the party, and was shot dead and left unburied for the coyotes to pick.

The history of these gamblers who infested the State in early times, killing men for their own pastime, has been traced through to the present time, and in nearly every instance they have "died with their boots on"—a common expression for saying that they have died at the hands of violence.

The minutes of the case of The People vs. Tracy show the uncertainty then prevailing relative to the jurisdiction and practice of the courts and the validity of the laws. It appears from the records that the District Attorney indicted the man for murder and arraigned him for immediate trial, when counsel for the accused appeared and objected to the proceeding. The prisoner, however, was placed on trial, and Messrs. Lyons, Fair, Brooks and Creanor, counsel for the accused, appeared and objected to the jurisdiction of the court, on the ground that the court is not so constituted as to give the criminal the rights guaranteed by the constitution of the United States, alleging also that there had been no action of a grand jury.

The court sustained the objection, and the Sheriff summoned a grand jury of sixteen men. This grand jury, after taking a peculiar oath, returned into court the following day and presented an indictment against Tracy. The prisoner was thereupon arraigned and required to plead; but his counsel refused to have him plead, and moved for a change of venue, which motion was denied by the court. They then moved for a continuance on affidavits showing the absence of important and material witnesses, who could

not be had on a summary trial; but the court refused to grant a continuance, and a jury was duly impaneled to hear and determine the case. The counsel then raised the question, "What law is in existence and should prevail in this case?" After hearing argument on both sides, the court decided that the Mexican laws were in force, except such as were in conflict with the laws and constitution of the United States. The jury, after hearing the evidence, speedily acquitted the defendant.

Geo. G. Belt unworthily occupied the bench when James R. Reynolds took the office; L. F. Crane was Clerk and E. B. Bateman was Sheriff.

Reynolds was succeeded by Benjamin Williams, who served until the organization of the United States Courts. The judicial acts of Belt had their influence in debasing the early jurisprudence of San Joaquin county. In 1850 Judge Belt and Captain D. S. Terry were about to fight a duel about a man named Dr. Roberts, alias Captain Yeomans.

This man had obtained the confidence of young Terry and was a particular friend. Belt was the first to learn that Roberts was neither a physician nor a lawyer, but a bandit from Mexico. His aspersion on the companionship of Terry was resented by Terry, and a duel was arranged. On the field of honor an explanation was held, and Terry and Belt each lived to fight other duels.

Judge Belt was said to be the leader of mobs and a violator of law and order, degrading his office in the interests of friends, often giving unjust decisions. He removed to Mariposa, and coming to Stockton in 1869, was shot and killed by Wm. Dennis. The evidence on the trial showed the existence of an old feud between them. They had agreed to settle it by an affair of honor, but the testimony in the case showed that it was a deliberate murder, and that Belt was unaware of Dennis' presence when killed. Dennis was sent to State's Prison for eight years, and died in twenty months from old age, sickness and grief.

When the people ratified the constitution and formed

their State government, it was to be presumed that mob law, the bribery of judges, the menacing of juries and cruelty to culprits would pass away; but all great evils must be eradicated slowly and surely.

The judiciary is justly regarded as the highest branch of a political system, and from its decisions there is no appeal. Hence their decisions should be founded on law, equity and justice. In measuring justice to the oppressor or the oppressed, the court should stand aloof from the influence of individual or party, and above passion or prejudice. It is therefore a difficult matter to write a history of the judiciary, when men were bitterly opposed to each other, and sectional feelings controlled elections. Judges are but human, and the power of money and influence was brought to bear strongly in many cases where the punishment of the accused would better have subserved the public interests. The high-handed outrages perpetrated on society by ruffians, which lead to the formation of vigilance committees, show a lax system of administering justice.

That the judiciary were cognizant of these proceedings is evident to those best acquainted with the court transactions. The press on one occasion hinted darkly of intrigue between court and criminal, and on another occasion pandered to the sympathy of mob law by justifying its acts. Lawyers pleading in the Supreme Court were known to violate the law in the inferior courts by intimidating juries at the mouth of the pistol, and then resume their standing in the higher courts and plead for their friends. So corrupt were some of these courts in thieving and rascality, that Prefect Dickenson was obliged in one instance to impeach the judge and close the court.

The Legislature on February 19, 1850, divided the state into nine judicial districts. The fifth district comprised Calaveras, Tuolumne, San Joaquin and Stanislaus counties. The courts of the first instance were continued in force until the organization of the district courts, which took possession of all their records, and jurisdiction of all their actions, and all writs which had been issued out of the courts of the first

instance were required to be returned to the district courts of the respective counties, just the same as if they had been issued out of these courts.

The act of February 29, 1850, not only abolished the courts of the second instance and of the third instance, but also transferred all of the business of the courts of first instance to the District Courts, and suspended the power of the Alcaldes in counties having no courts of the first instance, and transferred the same to District Judges.

All the jurisdiction and authority of the Alcaldes was removed upon the election of the Justices of the Peace. By the same act it was provided that the offices of all Prefects and sub-prefects should be suspended and abolished as soon as the judges and sheriffs of the different counties were elected and qualified. All appeals from the Alcaldes' courts were to go to the county courts as soon as the County Judges were elected and qualified, instead of giving to the Prefects the final determination; and all the records of deeds and mortgages which had been kept by the Alcaldes were turned over to the County Clerk and Recorder.

The District Court originally embracing the counties of San Joaquin, Calaveras, Tuolumne, Stanislaus and Mariposa commenced business on the 13th of May, 1850. Charles M. Creanor was appointed Judge by the Legislature, he leaving that body April 2d to accept the office. It was the duty of an officer known as District Attorney to make the circuit with the District Judge and attend the prosecutions in the various counties. The officers of this Court were Charles M. Creanor, Judge; R. P. Ashe, Sheriff; A. C. Bradford, Clerk, and S. A. Booker, District Attorney. There is nothing of interest in the jurisdiction of this court until the year 1854, at which time the trial of John Taber for the killing of Mansfield took place in the Fall term of the court. This sad, deplorable homicide caused a feeling of sorrow throughout the community, and pioneers look back and regret that two promising, intelligent young men should allow passion to blast the life of one and send the other to an untimely grave. John Ta-

ber was proprietor of the Stockton Journal and Mansfield was a partial owner in the San Joaquin Republican. Mansfield was the father of Josie Mansfield, celebrated for her beauty and amours with Fisk and Stokes of New York.

Articles derogatory of each other, regarding the city printing having been published in each paper, the spirit of anger was aroused. Taber, who was a man of small stature and nervous, excitable temperament and unequal in physical ability to Mansfield, was informed that the latter was armed for him. Arming himself, he avoided Mansfield for a few days, but unexpectedly meeting him on the corner of the present Grand Hotel, on the morning of the 22d of June, 1854, shot Mansfield, from the effects of which he died the following day. Taber was immediately arrested by Deputy Sheriff Webster, who was on the opposite side of the street, and taken to jail. Taber was confined in jail until the sitting of the District Court, when his trial took place, the officers of the court at this time being Charles M. Creanor, Judge; G. B. Claiborne, Clerk, and Nelson Taylor, Sheriff, his deputy being John H. Webster. On the day of trial Hall & Huggins, assisted by Col. E. D. Baker, appeared for the People, and S. H. Booker and David S. Terry appeared for the defendant. The trial occupied two days, the case being given to the jury at half-past six o'clock on a Saturday evening. In about three hours they came into court with a verdict of guilty, and recommended the prisoner to the mercy of the Court. The Court being compelled to adjourn on Saturday night at twelve o'clock, the term being limited by law to one week, the Judge could not sentence the prisoner, and he was remanded back to jail to await the sentence of the court in the January term of 1855. In January court, for various reasons, motion was made by the prisoner's counsel, Messrs. Terry, Booker and Biggs, to set aside the verdict. The Judge overruled the motion and sentenced the prisoner to be hanged on the 16th day of March. In the meantime, the honest integrity of the young man doomed to die through a rash act of youthful folly enlisted the sympathies

of the best class of citizens, and they used strenuous efforts in his behalf. This we learn from the Republican, which, in a fit of spleen in 1857, smarting under the condemnation of the public for justifying the killing of James King of Wm. by James Casey, says that "when the editor Mansfield was killed no sympathy was expressed for the victim, but now that James King of Wm. is the victim, because we are silent, we are accused of being in league with the murderers." (See San Joaquin Republican.)

In the meantime great exertions were being put forth to obtain a pardon from the Governor. Citizens, and even many ladies, joined in the prayer for executive mercy. Petitions were sent from all parts of the State. Everybody—members of the Senate and of the Assembly, ministers of the gospel and ladies pleaded for the life of the condemned man. Nearly 100,000 names were sent to Governor Bigler, and it is said that prayers were offered in the churches that the Executive might temper justice with mercy. Under this great pressure the Governor relented, and a pardon was granted on the 9th of March, 1855. The granting of this pardon was in harmony with the dictates of mercy, but the Executive was influenced more by politic than by charitable motives. It was at the beginning of the long struggle that has since put an end to slavery. Taber was a Whig and Mansfield was a Democrat, and the murder having been caused by political articles, political sympathy not the first time in history saved the murderer.

Charles M. Creanor, in 1850, took his seat as District Judge with everything in his favor, indicating a life of usefulness and a brilliant career. Although he had a poor education, and but little knowledge of law, he was, in one sense, a remarkable man, possessing in a large degree the faculty known as common sense. He was also gifted with intuition, and by these two talents wisely used he gave his decisions from the bench for many years, and they gave general satisfaction. As a judge he might have won a name, honored by the rising generation as an example of

judicial excellence, but the love of drink has blighted the honest record of his judgeship and left him a wreck on the shadow of his former fame. He was succeeded in 1864 by Joseph M. Cavis, a gentleman of purer motives of right, a keener sense of justice and deeper sensibilities of feeling than are generally accorded to members of the legal fraternity.

Judge Cavis was born in New Hampshire, in 1825, and graduated at Dartmouth College, in 1846. He was admitted to the practice of law before the Supreme Court of New York, in 1848. He emigrated to California in 1853. In June, 1855, he was admitted to practice before all the courts of this State, and entered upon the practice of his profession in Columbia. He was elected State Senator from Tuolumne and Mono counties. In 1863 he became Judge of the Fifth Judicial District, serving for the term of six years.

He removed to Stockton in June, 1870, and practiced law until 1876, when he was appointed Postmaster. During all of his career as judge not a single dishonest act stained his ermine. If he erred it was from judgment and in favor of mercy. Perhaps the kindly feeling and tenderness of the judge cannot better be described than by relating that on one occasion, when passing sentence of death upon a murderer, the trembling voice and tearful eye told of a more convulsive grief in the breast of the judge than in the heart of the stoical criminal, who laughed in derision at the scene. Judge Samuel A. Booker succeeded Judge Cavis in 1870.

It was during the administration of Judge Cavis that one of the most important murder trials took place. The case was the one of The People vs. A. M. Swaney and Adelia Seale. A. M. Swaney, proprietor of the Mariposa Gazette and a widower with three children, and Adelia Seale were tried in Mariposa before Judge Deering for the alleged murder of J. W. Seale, her husband, in the fall of 1867. The jury failed to agree, after a trial of two weeks.

The case was transferred to the district court of San

Joaquin. On the day of trial, May 6, 1868, the defendants were represented by W. L. Dudley, S. A. Booker, Judge Budd and Judge Jones. For the State were E. S. Pillsbury, D. W. Perley and Judge Burkhalter. The atrocity of the offense and the well known high standing of the criminals created an excitement in the public mind, and the courtroom was crowded every day. For three weeks the court was occupied with the trial, and the evidence was phonetically reported each day for the Independent. The jury failed to agree, after being out for seventeen hours, and Swaney was admitted to bail. The parties were afterwards cleared, although it was proved that Swaney had purchased prussic acid, which was found in the stomach of the deceased by chemical examination; also, by his own evidence, that he had been reading "Wood's Digest" on the effects of poison. Swaney and his enamored one were married and are still living in this State.

A case of remarkable importance in criminal jurisprudence regarding the soundness of law in convicting on circumstantial evidence was also tried by Judge Cavis.

On about the 12th of May, 1866, Philip Dick, a sheepherder in the employ of S. M. Simpson, murdered his employer at the camp in the Coast Range. No person witnessed the deed, but the story of Dick was not corroborated by the facts, and he was arrested and tried by circumstantial evidence alone and previous bad character. He was convicted of murder in the first degree and sentenced to be hanged. A stay of proceedings was granted, and the Supreme Court reversed the decision of the lower court. A new trial took place, and he was again convicted of murder in the first degree, and again was the decision reversed by the Supreme Court. On his third trial he was again found guilty and sentenced to imprisonment for life. The Supreme Court in this case sustained the judgment, and Dick was taken to San Quentin. Before the expiration of a year he committed suicide by hanging himself in his cell. This man was in jail for nearly eight years pending his trial, and during that time was defended by Judge

Budd without any recompense, Dick being a poor man and without friends.

Judge Booker is a pioneer of '49, having arrived in California from his native State, Virginia, in that year. He came to Stockton at the age of twenty-six years, and at once became active in the organization of the city government. In 1850 he was elected the first District Attorney of San Joaquin county, and in 1879 was the last District Judge. His decisions have always been marked by excellence and fairness, and have been sustained by the Supreme Court in nearly every instance. The people, recognizing his ability, failed to nominate any candidate against him for his second term, and had not the new constitution changed the laws, he would probably have served a life term. Regarding neither friend nor foe, he construed the law as he understood it, and his decisions all through the long contested suits of the railroad combination against the people will be cited in the future as the opinions of an eminent judge and jurist.

One of the most fiendish assassinations ever committed occurred during the term of Judge Booker. Perpetrated without any motive, except, perhaps, that a highly honored citizen and a devoted husband and father might be sent from the earth that a paramour might enjoy the marital bed. At the time of his death, J. P. D. Wilkins was the city collector of Stockton. Returning to his home at a late hour on the 26th of March, 1873, he was struck across the head with a sand-bag, and died the following day, having been insensible from the time of his being found until his death. Mr. Wilkins was a pioneer and had held various official positions in the city, and was high in rank as an Odd Fellow. In his official position and as a citizen he was never known to have an enemy. Various parties were arrested and acquitted, and finally the evidence pointed to the wife and a man in the employ of Wilkins named George Bennett. This woman had many admirers, and her charms had called to her service this man Bennett, who had been lodging in the house for two years previous to the murder.

Bennett was arraigned first, and being a brother-in-law of a judge in Sacramento, Greene Curtis, the best criminal lawyer in the State, was employed to defend him. Two daughters of the murdered man testified in Bennett's favor but on cross-examination contradicted themselves in several particulars. The other child, much younger in years, testified to a scuffle at the house on the fatal night, and with all their skill the lawyers were unable to impair her testimony—a remarkable circumstance for a girl only fifteen years of age. The jury failed to agree, and the counsel for the defendant asked for a change of venue to Sacramento. Judge Booker granted the request, and the District Attorney, E. S. Pillsbury, publicly acknowledged that no conviction could be had in the county, and virtually surrendered the case. Bennett was thus acquitted and the charge against Mrs. Wilkins was dismissed.

By the provisions of the new Constitution the District and County Courts were both abolished and two Superior Courts were formed, neither having any jurisdiction outside of their respective counties. Van R. Peterson, a young man of fine scholarly attainments, legal ability and Christian training, was elected Superior Judge in September, 1879. He was born in Ogdensburg, New York, and thirty years of age. His early life was spent with his parents and in teaching country schools in his native county, St. Lawrence. He is a graduate of the State Normal School at Albany, New York, and for one term was a member of the faculty of that institution. He also graduated from the law school of Union College, and was for several years a student under the direction of Isaac Edwards, Esq., author of "Edwards on Bills and Notes," and during a portion of his time was Principal of New Providence Academy, New Jersey. In 1875 Judge Paterson came to California, and after spending one month in Modesto, came to Stockton, where he has since remained in the practice of law. He was a candidate for District Attorney in 1877 and was defeated by the Democratic nominee, W. L. Hopkins. He was elected City Attorney in 1878 and in

1879. On January 5, 1880, he took his seat as Superior Judge. He holds the degree of LL.B from Union College, and under his direction during the next five years may justice reach that standard of excellence that all may truthfully say: "Right has become might."

CHAPTER XII.

The Legislature provided for the organization of what was called the "Court of Sessions," as early as April 11, 1850. This court was to transact the business heretofore done by the Alcaldes. The court consisted of a County Judge and two associate justices chosen by the justices of the county from among their number. He had jurisdiction throughout all the county in all cases of assault and battery, breach of the peace, petty larceny, and in all cases of misdemeanor punishable by a fine not exceeding $500, or imprisonment not exceeding three months, or both fine and imprisonment. It also had in charge such matters as are now managed by the Board of Supervisors. Benj. Williams being at the time Judge of the Court of the First Instance became by election Judge of the Court of Sessions, organizing the Court June 3, 1850, and was the first County Judge under the Constitution, the associate justices being H. Amyx and O. C. Emory.

The law authorized the Court of Sessions to assess taxes, and on the 29th of June an order was issued for all persons engaged in mercantile pursuits to take out a license. This order of the court aroused a spirit of opposition among the merchants, and they were determined to resist any attempt to enforce the demand.

The county having been organized and the officers having been elected, it was necessary to create a fund to sustain them. "All merchants, brokers, owners of hotels, etc., are hereby notified that the Court of Sessions has as-

sessed a tax upon them, and they are hereby notified to make application to the County Treasurer for a license to carry on such trade or occupation." Licenses ranged from $26 to $250 per annum, and in the same proportion for a shorter period of time, according to the amount of business done, to be judged by the court.

Many thought the act to be an unwarranted usurpation of authority, and a meeting was called for the afternoon of July 18, 1850, to protest against such an unlawful outrage. This meeting was largely attended, and other meetings followed, until a committee of nine was appointed to wait on the County Judge and present the following resolutions: "That the order of the court levying said taxes be immediately erased from the records of the court; that if the above request is not granted, we, the citizens of Stockton, do solemnly pledge our sacred word and honor to resist the enforcement of said order even to the shedding of blood." Other resolutions of the same character were passed by this impulsive, misguided body.

Calm and deliberate thought, counseled by mature minds, taught these young pioneers that a tax on business and property was simply a broad, statesmanlike method of supporting the government, approved by the experience of centuries.

The first execution by the court was that of Geo. Baker, who was tried for killing Geo. Turner. Baker was a man twenty-two years of age, and both parties were intoxicated at the time of the stabbing. Baker was tried and convicted, and on the 29th of March, 1851, was hanged, the gallows being erected near the present location of the Franklin school building. This was the first execution in Stockton under the law. James Woods, then pastor of the Presbyterian church, who delivered a sermon on Sunday, June 3, 1851, on the waywardness of this young man, says in his work: "He commenced his downward career by running away from home because his father compelled him to study Latin. After leaving home his career was short. He became a gambler, quarreled with a companion, stabbed

him and perished upon the scaffold. Such were the circumstances of the quarrel that he would probably have escaped the gallows, had it not been for the pressure of public opinion."

At the session of the court at which he was tried two atrocious criminals had been acquitted. One of these was Joe Moliere, a boy of fifteen, who it is supposed had killed a man for pay. A powerful plea was put in for his youth. Extraordinary efforts were made by his lawyers, and finally he was acquitted. This created a storm of indignation. It was amid the raging of the storm that "Mickey" had his trial. Public feeling demanded a victim, and the lot fell upon "Mickey." He was taken to the scaffold on a one-horse dray, and seated beside him on his own coffin was his spiritual adviser. Arriving at the scaffold, in a short speech Baker warned the young "to avoid the path of vice, which had led him to the gallows," and in a few minutes his spirit sped away to the unknown shore.

Four months after this trial Benjamin Williams resigned the office of Judge, and O. C. Emory was appointed to fill the unexpired term. Williams resigned to escape impeachment because his course all through his official term had been "devious, wayward and uncertain." He was put on trial in the District Court for two charges, "bribery and corruption," also for altering the records. In the first charge the District Attorney, C. C. Gaugh, entered a *nolle prosequi*, and he was acquitted of the second through the intriguing of the District Attorney.

Mr. Gaugh was a young man of no ability as a lawyer and weak in character. The Stockton Journal criticised his acts severely, and Mr. Gaugh, feeling himself injured by the article, proceeded to the editor's office to chastise him. They met in the office, and three shots were fired without any serious results. The attorney was arrested and placed under $1,000 bail to keep the peace. The affair was smoothed over, and he escaped punishment. After Williams' resignation, in October, 1851, Mr. H. Toler Booraem, who was then County Treasurer, was commissioned as

Judge, but not wishing the office, he failed to qualify. In the meantime the friends of Oliver Cromwell Emory were working to get the place for him, although he knew nothing of the principles or practice of law. He was a wagon master in the army and had come to the coast in 1846 with Richard W. Heath, who was a quartermaster. These men became firm friends. At the close of the Mexican war they came to Stockton and engaged in the livery stable business, and afterwards in running a ferry across the Stanislaus river. They lost money on this last operation, and Mr. Emory came to Stockton to fill, if possible, his depleted purse, and intelligent citizens and disgusted lawyers were surprised to see him take his seat as Judge of the Court of Sessions.

Judge Emory, who had been a Justice of the Peace and an associate of Judge Williams, was an honest man, but five months on the bench as the laughing stock of all men taught him that honesty was not the only qualification needed to make a good Judge. Such was the indifference regarding fitness for office, that men were elected to offices which they were not competent to fill, and unfortunately this custom still prevails. Judge Emory resigned and engaged in farming, and Governor Bigler appointed W. A. Root as his successor. J. K. Shafer and B. G. Wier were continued as associates. Judge Root presided at the bench for only a short time. On Thursday evening, October 20, 1852, he presided at a Democratic meeting, and on the following Tuesday the Independent Order of Odd Fellows met to bear him to his last resting place.

Judge Root is the only Judge of San Joaquin county that has died in office. The San Joaquin Republican paid a beautiful tribute to his memory when it said: "A friend to the whole human family is on his way to the better land."

Judge Emory again filled the office of Judge, until the election of his successor, and then again turned his attention to farming. A. G. Stokes, a gentleman whose financial abilities were far superior to his legal attainments, was his successor. The office at that time was not a very

lucrative one, and the Legislature was petitioned to increase the salary from $3,000 to $5,000 per annum. As soon as the increase of salary was made Shafer became a candidate for the office and was elected.

In 1853, during the term of office of Judge Stokes, the murder of W. A. Brown, the San Andreas express agent, took place. Probably no crime has ever caused more excitement and sympathy for the victim than the murder of this man, on the afternoon of April 1st. Brown was a messenger in the employ of Adams' Express Co., carrying letters between Stockton and San Andreas. W. L. Bowlin, the assassin, was an employee of the same company in the office at San Andreas, and was on trial for embezzling money, the deceased being a witness against him. For this Bowlin determined to take the life of his accuser and laid his plans with consummate adroitness. Placing a relay of horses between Stockton and Mariposa, he came to Stockton and fastened his horse near the corner of Eldorado and Levee streets. Meeting Brown near the Independent office on Weber avenue, he fired from a shotgun a load of slugs at him, and, jumping on his horse, fled toward Mariposa. Brown died the following morning. The town was immediately in a great state of excitement. A number of mounted citizens started in pursuit of the villain, but time and speed were both in his favor. On Sunday, April 3d, Brown was buried by the Masons and Odd Fellows. More than two thousand persons followed the remains to the grave. Large rewards were offered for the body of Bowlin, either dead or alive, and large bodies of mounted men were hunting the country about Mariposa for the fugitive. The following rewards were offered:

State of California, by Governor Bigler	$1,000
County of San Joaquin, by A. G. Stokes	1,000
City of Stockton, by Mayor Shafer	1,000
Citizens of Stockton—Money in Republican office	1,100
Masons	1,000
Citizens of Murphy's Camp	1,000
Private citizens of Stockton	500
Total	$6,600

Bowlin was discovered a few days after this occurrence in the mountains near Mariposa, on foot and alone, by S. J. Gregory, Irvin H. McBride, Isaac Lyons and Joseph Brown. When the party were within 30 yards of Bowlin, he said: "I suppose I am the person whom you are after." Mr. Lyons replied that he was. Laying down his pistol and knives, he remarked: "Come and take me," and immediately swallowed the contents of a vial of poison. Lyons remarked "He has taken poison." "I have; I am desperate," he said; and seizing his pistol he warned them off, and in a few minutes died. Such was the end of this desperate man; a man who in the path of rectitude would have made his mark, for in this last act he displayed firmness of purpose which few care to meet.

J. K. Shafer, who had been an Associate Judge with O. C. Emory, a District Attorney under Benj. Williams and Judge Creanor, and Mayor of the city in 1853, became Judge in 1854, and held the office until 1862, when George W. Tyler succeeded him.

Judge Shafer is described as a man of fine personal appearance, and one of the brightest minds on the bench. Commanding the confidence of the community for the first two terms of his judgeship, the pleasures of nature took full possession of intellect and character at the age of 40, and the siren charmer led him only to disgrace his fame and character.

In 1862 he went to Idaho and was sent as Territorial Delegate from that Territory to Washington, and a few years afterward died. During his lengthy term of office the following served as Associate Judges: A. C. Baine, J. J. Drummond, R. W. Noble, G. B. Douglass, J. G. Jenkins and A. G. Brown.

In the twelfth session of the State Legislature amendments to the Constitution were proposed and these amendments were adopted by the succeeding Legislature in 1862. One of these amendments abolished the Court of Sessions, and its jurisdiction was transferred to the District and County Courts. In 1862 the Judge elect who took

his seat in the County Court was George W. Tyler, his Associates being A. G. Brown and H. K. Potter.

Geo. W. Tyler was born in the East, but coming to San Francisco took up his residence in that city and in 1860 came to San Joaquin county, and made himself famous as the "war horse" of San Joaquin. He was a strong Union man and very bitter against the Copperheads. He was plain spoken on the stump and called things by their names, handling the Southern men without gloves. He was constantly speaking for the Union party and thus gained his popularity. So earnest was he in the cause that on one occasion before an audience of 2,000 ladies and gentlemen, the night being warm, he pulled off his cravat, then his collar, and finally his coat, amidst tremendous applause from the excited audience. His strong Union proclivities elected him to the office of County Judge.

Henry B. Underhill succeeded Tyler in 1864. He was born in Troy, N. Y., September 14, 1821. He graduated with high honor from Amherst College, Mass., in 1845. Accepting a situation as associate principal of the Duaborg Seminary at Warren, Mass., he taught two years, and then removed to Jackson, Miss., where he taught one year as principal of the public school. Removing to Natchez he taught for three years as principal of the Natchez Institute, and then two years as principal of the Oakland College, Oakland, Miss. He removed to St. Louis in 1853, and in February, 1854, he started for California, and arrived in Stockton April 4, 1854, and engaged in the dry goods business as the best thing that offered at the time. While teaching he had been reading law with the ultimate purpose of practicing. In June, 1860, he sold his half of the dry goods business to Thomas R. Moseley and gave his entire attention to the study of law, and was admitted to practice in the District Court, before Judge Creanor, in December, 1860.

He was elected District Attorney by the Republican party in 1861. In 1863 he was elected County Judge and served four years. In 1868 he was admitted to practice before the

Supreme Court, and also before the District and Circuit Courts of the United States. In the same year the Central Pacific Railroad Company were purchasing land for the road, and Judge Underhill was employed to attend to matters of right of way and other business connected with real estate, which he pursued in connection with his general practice, until January, 1873, when he gave up general practice and, removing to San Francisco, became the right of way and town site agent of the Central Pacific Railroad Company.

During Judge Underhill's term of office there were no cases of any special importance. His decisions were concisely given, and always in favor of law and justice. His successor was W. E. Greene, a young man well versed in the classics, keen in logic and strict in discipline. He was born in Farmington, Maine, on the 14th of November, 1837. He entered Bowdoin College in 1859, and graduated after the usual four year course with the degree of A. B. In 1863 he came to Stockton and at once accepted the position as teacher in the Dr. Collins Seminary, the principal being Mr. Wm. Van Doren. Choosing the law as his future profession, he was admitted to the bar in 1864. The following year he was elected Assemblyman on the Republican ticket, and served in the legislative sessions of 1865 and 1866. Returning to private life again, he was elected County Judge and took his seat January 1, 1868. Having served his second term he resigned in May, 1874, to give his attention to private practice. In 1875 Judge Greene removed to Oakland, and in the fall of 1879 was elected one of the superior judges of Alameda county.

Judge Greene's unexpired term was filled by Judge W. S. Buckley, who was appointed by Governor Booth.

Judge Buckley was born in Virginia in December, 1829. He came to Oregon in 1852. In 1855 an Indian war broke out and he enlisted in the Benton County Volunteers. Taking an active part, he was engaged in several battles, including a four days' fight at Walla Walla. Soon after this Governor Curry commissioned him with the rank of

Captain and ordered him to report to Major Lyton at the Dalles. In 1857 he was elected Assessor of Multnomah county. He was admitted to practice law before the Supreme Court of Oregon in September, 1860. In December of that year he came to San Joaquin county and practiced law here until his appointment as Judge in 1874. In 1875 he was elected to fill the office, and being in office when the new Constitution was ratified, was again elected, and took his seat January, 1880, as one of the superior judges of San Joaquin county.

The evidence of these courts is not yet complete; there are witnesses unknown who will testify, and judgment cannot be rendered until the verdict is given. The evidence on the trial of Justice vs. Courts thus far tends to show that justice has been given its due, according to the standard of public morality. The law has dealt kindly with some, justly with others and harshly with only a few.

The standard of morals is higher now than ever before. To maintain this standard history will look to the young scions of the law, and in a local work they have a place, for Stockton has now become a city of homes, around which linger associations of children who are now prominent in the active duties of life.

Stanton L. Carter, the present City Attorney, was born in New York in 1853. When nine years of age, his parents removed to California and engaged in farming in San Joaquin county. Young Stanton graduated from the Stockton High School in December, 1871. After this he graduated from Heald's Business College, San Francisco, and returning to Stockton studied law in the office of Byers & Elliott, and was admitted to practice before the Supreme Court of this State in March, 1878.

His schoolmate Louis B. Noble came to Stockton with his parents in 1857, when four years of age. He finished his studies in the public schools, and soon after this he commenced the study of law in the office of Judge Cavis, and was admitted to practice before the Supreme Court in 1878. He removed to Walla Walla, Washington Terri-

tory, in 1878, and was appointed Deputy District Attorney. He still resides in Walla Walla, where he is engaged in the practice of his profession.

Wm. M. Gibson, another young Stocktonian practicing law, was born in Covington, Kentucky, July 29, 1851. He has lived in Stockton since 1854, and received his early education in the public schools of the city. In 1863 he attended school in Oakland and afterward he became a law student in Union University, at Albany, New York, and received his diploma in 1874. He returned to Stockton, passed a satisfactory examination before the Supreme Court in August of that year and was admitted to practice. In 1878 and 1879 he served as Deputy District Attorney under W. L. Hopkins.

James H. Budd was born in Wisconsin, May, 1851, and his brother John E. Budd, October 19, 1853. They came to San Joaquin county in 1858, and received their early education in the public schools. James entered the State University in 1869, and, pursuing the scientific course of study, graduated in 1873 with the degree of Bachelor of Science. His brother, possessing a more literary turn of mind, pursued the classical course and graduated one year later with the degree of Bachelor of Arts. Both studied law under their father's guidance, and were admitted by the Supreme Court in 1874 and 1875.

Samuel Langdon Terry was born in Stockton and is twenty-six years of age. Mr. Terry has passed nearly twenty years of his life in his native city and received his education in the public schools. In June, 1872, he began to read law in his father's office and in April, 1875, was admitted to the practice of law by the Supreme Court. He practiced in Stockton until 1878, when he removed to San Jose. After a twenty months' sojourn in that city he returned to Stockton, and is still engaged in the practice of law.

CHAPTER XIII.

The Justice Courts were scenes of mockery, farce and injustice, and even in later days but little improvement is seen. There is a case on record in the Justices' Court in 1850, H. Amyx presiding, in which a negro was convicted of stealing a piece of pie, and sentenced to six months in the County Jail.

The punishments inflicted were whipping, ducking, imprisonment and hanging. The punishment of whipping was inflicted at the public whipping post. When the Court was held on the brig, a whipping post was erected on the bank of the slough, and the criminal, bare to the waist, was lashed to the post and the number of lashes imposed by the Court were laid on with a whip. After a wooden jail was occupied the culprit was whipped in private, thongs being fastened around his wrists, thrown over the cell door and fastened on the other side. The punishment of ducking was put into execution by fastening the prisoner to the yard arm of a vessel, and then sousing him and hauling him out of the water, until justice was satisfied.

The darkest part of Stockton's history is from 1850 to 1856, when *vice* was king and *virtue* a slave. This may be called the mob law period, for mobs and their laws ruled the hour, and men dared not oppose them. Every border State draws to its domain the criminal class who go there to rule or to ruin. Kansas had its border ruffians, and California had its Texas rangers, a class of men whose very presence was a stigma upon any community. Add to these an immigration of Australian convicts, called "Sydney ducks," and we have the ruling power in the mob law law period. Stockton was notably cursed, for here was a wide field for action, and gold was the result of crime. Courts were a mockery. Judges and juries were bribed, or threatened with vengeance if they dare oppose the mandates of the ruling power. Knives and pistols were often

drawn in open court, and the leader, pistol in hand, and jumping upon a desk would defy the law to take its course. The two leaders of this element were William Owens and James Taylor, and the death of the latter we shall notice, for they were the terror of the town. After one of their sprees, the following day would find them mounted on their horses and charging through the streets, yelling and whooping, with Bill Owens on his little white pony in the lead. They would ride along, firing their pistols in the air or into some building, as the fancy might prompt, indifferent as to the result. Then honest men had to keep from sight or suffer the consequences. To vary the sport they would ride into a building or tent and destroy property. In their nightly rounds they would visit some restaurant, and arousing the proprietor, would make him set for them a splendid meal, and then leave without paying a cent, and if his dishes were not broken he considered himself fortunate. The following death, in 1851, was the result of this recklessness: "Died, February 22d, Mr. Edwin Hoss, twenty-six years of age. His death was caused by the accidental discharge of a pistol. He was asleep in an upper room and the pistol was discharged in a room beneath, the ball passing through the floor and several blankets, then through the body, causing instant death."

These men have deserved and met violent deaths and none will more strikingly illustrate this than two which occurred in this city. A fandango party was in full blast, and in attendance were two men, Wm. Miner, a noted gambling desperado, and a "fancy" teamster. The teamster noticed Miner dancing with the "girl" of John Quinn; he resented it, and drawing his pistol fired over the teamster's head. The teamster, who was a quiet man and calm in his disposition, remarked: "That is your game, is it? Two can play at that," and shot Quinn dead on the spot. On his trial he easily proved self defense, and was acquitted.

James Taylor met his death in an unknown moment, of

time. Stepping into a saloon, then near the El Dorado, kept by a little "French girl," the paramour of Turner, Taylor, with revolver in hand, swept from the bar all the handsome cut glass tumblers and decanters. She sent word to Taylor that she wished him to pay for them, and he meeting Turner, told him that if he did not pay "his girl," he (Taylor) would kill him. Taylor generally did as he threatened; and Turner, one day, seeing Taylor having his boots blacked, fired two shots at him and killed him instantly at the second shot.

Taylor's two brothers came from Texas on purpose to kill Turner, in revenge, but learning that he was in the penitentiary, they were satisfied and returned to their homes.

One of the most exciting scenes ever witnessed in Stockton occurred on the second day of June, 1851. Nothing has ever so roused the feelings of the people as this bold attempt to overturn justice and institute lynch law. On the 24th of May a pony belonging to Billy Owens was stolen, together with other horses. A short time after, Mr. Owens received a message, from some secret source, that some men who were suspected of belonging to a gang of horse thieves were in town. Mr. Owens commenced searching for the persons described in the communication, and found one of them on the peninsula in a low grog shop kept by a man named Russell. This man Russell was a low, disreputable character, he and his wife keeping a low boarding house, harboring and abetting thieves in their nefarious work. Mr. Owens and others took this man Wilson to the gallows for the purpose of forcing from him a confession of his own guilt and of the whereabouts of his confederates; but the sight of the gallows had no effect upon him. He was then stripped and whipped severely, and this punishment having no effect, a rope was fastened around his neck and he was jerked up once or twice. The choking not being as agreeable as the whipping, he begged to be released, and agreed to conduct the mob to the place where his confederates were encamped. He led the party

out of the city to the cemetery grove where their camp was located. After waiting a short time four more of the men were found and one of the party was seized and whipped, and he confessed that all of the party were thieves—a very natural confession under the circumstances. They were all taken to jail, and on Monday James Wilson, Frederick Salkman, James Nell, Jasper Cochrane and Jerry Boland were brought before W. F. Nye for trial. The evidence being heard, Mr. W. Owens addressed the throng of ruffians who had assembled for the purpose of convicting the prisoners, guilty or innocent, and moved that they proceed to hang them. This motion was seconded by Dr. McLean, whose idea of lynch law was stronger than his sense of justice. In an instant fifty or more revolvers and bowie knives were drawn ready for action; the Recorder, City Marshal, and his deputies were seized and held. All the pent up animosity of the crowd was turned loose, and rushing over tables and chairs they started for their victims.

Boland, a large powerful man, succeeded in reaching the door, through which he sprang and started for the Levee followed by his assailants. Owens being a swifter runner than Boland, fired five shots at the fugitive, when he stopped and surrendered. As the prisoner appeared in sight of the jail, the infuriated rabble, still thirsting for their blood, cried "hang them! hang them!" As the doors closed on the culprits they felt a sense of relief, as they were more anxious just now to get into jail than they would be to get out of it. It was only with the utmost difficulty that they succeeded in climbing the stairs of the jail, their clothing being torn from their backs, exposing the skin which had been lacerated by their severe whipping. The Sheriff, Dr. Ashe, then addressed the thwarted crowd, begging of them to let the law take its course; pledging himself that the prisoners should not escape, convincing them that they were well guarded. The people listened to his remarks, and in a short time dispersed.

Two of these men were afterwards convicted by law and hanged. The whole affair shows a weak or intriguing gov-

ernment. This is mob law and these are the most disgraceful scenes upon the escutcheon of our state. During the first ten years of our history as a state men were mobbed and hung by the scores. In the year 1855 forty-seven men were hanged by mob law, more than half the number for stealing in the mountain towns. In the opinion of many the officers of justice were in league either with the mob or with the criminal, as the case might be.

These mobs, when courts of law would not accede to their demands, established courts of their own and administered punishment as they saw fit. We cite one case occurring a few days after the arrest of the horse thieves, showing the way in which Judge Lynch disposes of those persons that he believes injurious to society. It will be remembered that the man Wilson was found at the house of one Russell, on the Peninsula, and the mob, judging this man Russell to be a character obnoxious to society, proceeded to organize a court and try this man on general principles. When the court was called to order, they selected Captain Chapman as sheriff, and Captain A. Bell as prosecuting attorney in the case. The sheriff brought Russell into court. Russell was a "Sydney Duck." His Honor Judge Owens informed the accused that he was before a Mustang Court, and that what he had to say should be said quickly and to the point. He stated that he had been in Stockton but a few weeks; that he and his wife had kept a house of ill repute; that he did not know the men who had been arrested, nor did he know them to be professional horse thieves; that he did not know why they should prefer his house to any other; that he came to this country to make money honestly. At this stage of the proceedings the Judge asked if the jury had been polled, when a bystander remarked that "he thought there was timber enough in him and the crowd without any polls," and he moved that Russell be ducked in the slough. The prisoner was then seized and taken to the water on the levee and thrown in. After swimming out he was again thrown in. Sheriff Ashe appeared upon the scene and rescued the pris-

oner from the hands of the infuriated mob, and carried him to the jail, but considering that Russell's safety depended in locking him up in jail he was brought over, when the jury of the Mustang Court rendered a verdict that he be well whipped, which sentence was carried out. He was then given sixteen hours in which to leave town.

These mobs were the terror of the town, and citizens, many of them were in constant terror of offending these lawless men in some way, and thereby bringing vengeance upon their own heads.

Another act of the advocates of Lynch law took place on June 25, and is known as the Daly's ranch fight. A dispute having arisen in regard to cutting a crop of hay, several shots were fired between the two parties claiming the land, but without any serious effect. Constable Langdon hearing of the affair went out to try and effect a compromise, but failed so to do. A large and stronger party having collected they succeeded in driving the Daly party off the land. Daly came to the city for protection, and a demand was made for him the next day, by a large company of mounted men, armed and equipped and ready to enforce their demands. The cowardly mob considered Daly as a good subject for Lynch law. This insolent demand was refused by the officials, and the San Joaquin guards were ordered under arms to protect Daly from the lynchers. Finding further bluster useless, they dispersed. The punishments inflicted on these self constituted tribunals of justice were very effective. There were a number of methods employed to reform the guilty, the mildest of which was whipping. The blanket tossing punishment was ludicrous and novel. The method of procedure was to toss the person up and down in a blanket, and the severity of the punishment was regulated by having the blanket drawn tight, or kept loose. A very amusing incident happened to an actor. Assuming himself to be a star, he appeared before the footlights in the character of Hamlet. The audience concluded to dispense with the usual course of rotten eggs, and to treat the actor to a novel experience. At the

close of the performance he was invited in to take a drink, and very easily was led into the snare prepared for him. Standing at the bar, he was suddenly and very unceremoniously pushed backward into a large blanket. After a vigorous shaking up he was allowed to depart—an opportunity he immediately took advantage of.

Another punishment, laughable to all except the criminal, was the punishment of *"riding on a rail."* Although this punishment was very ludicrous to the observer, it was terrible to the culprit, and very seldom was any repetition necessary to rid the town of the criminal's presence.

One of the most cruel punishments ever inflicted is branding. Two methods were in vogue; one, to brand the thief or murderer upon the person; the other, to cut off an ear. These disgraceful tortures were perpetrated by the decrees of mobs, and the leaders ought to have been hanged and society would have been the better. We have already mentioned ducking as one of the modes of punishment recommended and inflicted by the *courts* (?), and will not again refer to it.

We now notice the last in the list of punishments—the last, and at the same time the most awful, the death upon the gallows.

In the first session of the legislature a law was enacted punishing horse stealing as well as murder with death. The law, though severe, was necessary to protect the property of citizens. Hardly a day passed that horses were not stolen. Organized bands of robbers infested every section of the country, having their rendezvous in the Coast Range and Sierra Nevadas, from which they would sally forth to plunder and murder those who crossed their track. Men would enter the town and steal horses from the doors of the owners, and the names of Joaquin Murieta and others became the terror of the state, as leaders of murderous, thieving bands. The penalty of death for horse stealing was only in force for a year, and only two men were hanged under its provisions. We will describe an execution for murder, to a part of which we were an eye witness. A

Mexican named Jose Barillo had been convicted and sentenced to death. On the day appointed for the execution he was placed upon a wagon and was drawn up Main street. Beside him stood the ever faithful priest administering the consolations of religion, while behind him, to prevent his escape, rode forty or fifty horsemen, armed with revolvers, rifles and bowie knives. It was a sickening scene for display, when the object of their presence was soon to be ushered into eternity. Arriving at the large oak tree near the corner of Main and Grand streets, a rope was tied around the Mexican's neck and fastened around a projecting limb of the tree. The wagon was drawn out from under the man and he was left dangling and suspended in the air until dead. The party then rode back to town, leaving the body to be cut down by the Coroner.

This execution was a legal sentence of death issued by the court. Since that time the death penalty has been executed upon ten persons.

In the private office of the Sheriff is the Rogues' Gallery, containing the pictures of most of the criminals of this section and of the state; also, a cabinet in which are preserved all manner of weapons, that tell the story of many a tragedy. The names of all who have been executed in the county have been neatly written upon a card, and the card has been framed and hung upon the wall. They are as follows: C. Baker, alias Mickey, hanged May 9, 1851; James Wilson, alias Mountain Jim, November 28, 1851; Fred. Salkman, alias Dutch Fred, November 28, 1851; Jose Barillo, June 3, 1853; Thomas Crawford and William Corson, February 14, 1860; Jacob T. Elyea, March 9, 1860; Charles Gedding (colored), May 24, 1861; John K. Best, September 6, 1870; J. J. Murphy, April 25, 1873.

Of these men, two were hanged for stealing horses, and eight for murder. Of the murders four were committed while under the influence of liquor, and two while in the heat of passion.

For nine of these men justice is satisfied, and charity may drop a pitying tear; for here in a strange land evil

companions led them astray. The crime of Jacob Elyea was a murder the most foul on record. His character must have been one of the worst. A stranger, John McWade, came to his lodging house to rest for the night. Supposing from his neat, refined appearance that he had money, Elyea in the midnight hour stupefied him with liquor, and then strangled him with a Mexican scarf, and hung the body by the neck, to give the appearance of suicide. But a bloody hand on the wall told of a fearful struggle for life, and Elyea was arrested, convicted and hanged as one of the blackest of villains.

In all new countries the titles to land are subjects of controversy, strife and bloodshed, and San Joaquin county has not been exempt, as the records of the courts will show. A great many lawsuits and two or three murders have been caused by imperfect land titles. Persons have pre-empted a lot of land, and then, carrying their titles over a larger amount than belonged to them, have endeavored to hold it by force. Others have attempted to "*jump*" the land of another and hold it as their own. This business was carried on largely in earlier times, and the "*squatters*" were often victorious. The first *jumping* of land in the county took place in the Spring of 1850, on a lot of land on the levee, owned by Captain C. M. Weber. A party of men pitched their tent on the lot and claimed possession. The next day they were arrested, and their trial took place in the Court of Sessions. A number of counsel appeared on each side. For the plaintiff, Captain Weber, appeared W. D. Fair, S. A. Booker, Dr. R. Roberts and Thomas B. Van Buren; for the defense, D. W. Perley, D. S. Terry, E. L. B. Brooks, H. Amyx and Slocum & Spafford. Judgment was given to the plaintiff.

It would weary the patience to *begin* to enumerate the lawsuits in regard to the ownership of land. Two of the most celebrated cases are "The Battle of Waterloo," and "The Comstock Affair."

"The Battle of Waterloo" was fought November 9, 1861. A tract of land had been purchased by A. Drullard, near a

little village eight miles north of Stockton, known as Waterloo.

He allowed John Balkwill to occupy and cultivate twenty-five acres as a homestead and garden. Hearing that Drullard had more land than was allowed by the pre-emption act (160 acres), Balkwill determined to file his claim for 160 acres. He filed his petition in the land office in October, 1861.

Balkwill, hearing that the owner and his party, comprising farmers, each of whom had more land than he was entitled to, had agreed to drive him off the place, by force of arms if necessary, as an example to "squatters" in the future, determined to defend his rights and land, even at the risk of his life. He fortified his shanty by placing thick plank on the outside and on the inside, and filling the space with earth. He sent his family to a neighbor's, and awaited his foe. Providing himself with provisions and ammunition, he and a few staunch friends were enabled to stand quite a siege.

In the meantime the opposing party had not been idle. Coming into the city late one Saturday night, they took possession of the old cannon lying on the slough, and loading it upon a wagon, they conveyed it to the scene of action.

Loading it with bolts, nut heads, and scraps of iron, they stood at a safe distance and fired at the fort. Four times did they fire the contents of the blacksmith shop, but their efforts were futile and they cast their cannon aside in disgust. Two causes are given by an eye witness for their failure; being better farmers than cannoneers they failed to hit the fort, and on account of the scattering charge and the distance — 350 yards — the effect of the discharge was lost. Even at this distance the bullets from the Balkwill party convinced the invaders that the defensive party were resolved to "hold the fort."

In this famous and disgraceful action against law and justice no damage was done, except the loss of a finger by the aggressive party from a stray bullet. When the news

of the skirmish reached the city, Deputy Sheriff Choate hastened to the scene of action, followed soon after by Sheriff Hook, who arrested the rioters and brought them to the city. John Balkwill is still in possession of the land, and the inference is that his claim was just.

Some time after this event parties jumped a tract of land two miles east of Waterloo, known as the Comstock ranch, and sowing the seed expected to reap the harvest. A suit in ejectment was begun in the courts and judgment was given in favor of the plaintiff; but the squatters refused to leave and prepared to defend their claim by fortifying themselves in an old brick barn that is still standing. Hearing of this armed resistance to law, Sheriff Hook called on the Union Guard, June 2, 1862, to take possession of the ranch. Captain Pearsall assembled his command on that morning in Agricultural Hall, and the full company "fell into line." Exaggerated reports were current that the squatters were determined to fight, and for the only time Stockton had a small taste of the scenes of woe and anguish that were then taking place all over the land from North to South. Wives and children were trembling lest their protectors might be slain.

To see the company was a study of human nature. Some were pale, yet firm, others were laughing and joking to hide their fear. Having received three rounds of ammunition to each man, they were driven to Waterloo, the scene of the late battle. Halting here, a detachment of men, including Wallace Tinkham and Dick Fletcher, was sent forward to parley with the enemy—but they had fled. The owners were put in possession of the place, the guards came back to the city, and in two hours the squatters were again in possession. The matter was soon after this amicably settled.

CHAPTER XIV.

THE STATE OF SOCIETY.

The cry of "Gold, gold," was heard in the harbors of every nation, and suddenly this state, with "its cliffs and rivers of gold," became the objective point of every grade and condition of life, from the youth of sixteen to the manhood of forty-five; from the homes of elegance and wealth and the homes of want and poverty came representatives to the Pacific coast. Crime also sent its delegates from the workshop of the thief, robber and murderer. All were actuated by the same love of money—the love of gold. Some hoped to obtain it by honest labor, others by crime and deceit.

A number of capitalists organized a company in New York for the purpose of running a line of steamships from New York to California, via Panama. The first vessel dispatched after the discovery of gold was the California. Sailing around Cape Horn, it arrived in the harbor of San Francisco February 28, 1849. One month later the Oregon reached the coast, and soon after, the Panama, which was the third of a line of steamers that was to connect with a line of steamers on the Atlantic side. These vessels, or vessels of this line, were the only regular line of communication between California and the East for twenty years. Then the railroad became the connecting link.

Most of the population of California during the gold excitement came to the coast in steamships, and these vessels have carried millions of treasure and brought thousands of tons of freight.

The population of Stockton in 1849 is said to have been about 1000; but this, perhaps, is an over-estimate, as thousands were passing through to the mines and back again. No census was taken until 1853, when J. E. Nuttman reported the population of the county to be as follows:

White males	3,582
White females	387
Black, both sexes	81
Domesticated Indians	379
Total	5,029

No state was ever before cursed with so much iniquity, and no state has ever become so pure in so short a time as California. The great change has been brought about by society. Like the new wine in the cask, it has worked itself clear of all impurities, and it is clearer and more valuable now than ever before. Few of the pioneers now living were twenty-five years of age when they came to California, and, naturally impulsive, many of them at once plunged into all of the dissipations of the country, led on by vile companions; wine, cards and women have been the ruin of many a young man. Yet the scenes through which they passed have not been altogether unmixed with good, for in the fire "the gold is purified;" on the battle field the hero is made. The Judge who to-day sits on the bench, guarding the oppressed; the Senator who frames the laws of the state; the merchant who dispenses his fortune to the poor; the doctor who attends their suffering from bodily disease, are the same ones who look back over the follies of youth and realize that the highest honors belong to those men who have struggled through temptations, and risen to positions of honor and esteem.

Hundreds of sailing vessels left Atlantic ports for the Pacific, having on board bands of men bound for the gold mines. Many of these vessels contained provisions, blankets and clothing, brought by the party chartering the vessel, and sufficient to last for two years after their arrival. Others, in their wild excitement, would have only enough means to pay their passage, expecting to pick the gold from the streets and to become millionaires at once. On their arrival, however, the delusion was quickly exploded, for the gold was in the mountains, and the sum of fifty to one hundred dollars was required to pay passage. Borrow-

ing or begging passage money to Sacramento or Stockton, they would foot it to the mines. A party of fifty chartered the bark Lenark and left Boston, arriving in San Francisco in December, 1849. The event illustrates the ups and downs of the times, as they were both fortunate and unfortunate. They were provided with provisions, blankets and clothing sufficient to last them a year. They sailed up the bay and river to New York Landing, a common place of anchorage then. From this point they came in small boats to Stockton and started for the mines, leaving the vessel and cargo in charge of the captain. As the price of freight was 25 cents a pound, they took very little with them. When they returned they found the vessel gone. The captain having stolen his "pile," was cruising other seas.

Large numbers of immigrants arrived overland. From the Sierras to the Mississippi the constant tramp of feet was heard, and as the tired horse or jaded ox was driven over the hot desert, the song of the immigrant was heard, "On to California."

Many in the long and weary six months' journey lay down in their last sleep, and often Indians lurking around the well worn pathway would send the bullet or poisoned arrow to the breast of some one of the party. Yet still they came. Disease, thirst, starvation and exposure would claim their own, yet they must push on to the San Joaquin valley or perish.

In these marches of the brave over the desert and across trackless seas, death has claimed his victims by the hundreds. Unknown to their fellow travelers, they have been buried in some forgotten spot without name or date, and the loved ones in the East whom they left thirty years ago have not yet ceased to look for the return of father, brother or son.

For the first five years there were very few women that dared brave the perils of the desert or ocean, and with a view of returning within that time many men left their wives and daughters at home. Mrs. Benjamin Kelsey of the Weber party, in 1844, was the first white woman in the

valley, and her daughter, Mrs. America Wyman, was the first white child. In 1847 it is said that the first white child was born in Stockton, on the ground where Weber's house now stands, to the wife of Mr. Nicholas Gunn.

The first marriage on record in the papers was that of Mr. Charles Peck and Miss Lucy Jane Dickerson, solemnized by Rev. James Corwin, in March, 1850. She was a bride and a widow within the year, her husband having been killed by Indians. "The nuptials," says the Times, "were celebrated in wine and feasting."

In Stockton, and especially in the mines, women were quite a curiosity, and when the cry of "a woman in camp" was heard, the men would rush out in numbers to catch a glimpse of her, not always from idle curiosity, but because the sight of woman lifted them thoroughly from the low condition of life that surrounded them, to the loving companions and mothers who were waiting for their return on the other side of the mountains.

There was a class of women here, native to the soil, with whom the men associated in sportive mood, but whenever a woman of refinement appeared, no knight of the chivalric age ever paid greater homage to his lady love than was paid to her. Woman in her true nature subdues and refines the coarse and uncouth in man, and had she been in Stockton in those early days, much of this chapter would not have been written.

When, in 1853, good, noble women appeared in numbers, a gradual change for the better took place in the manners morals and customs of society.

It is supposed by those who are ignorant of facts, that the pioneers were, as a class, uneducated. California drew many such to her borders, but those who ploughed the soil, built her cities, framed her government and developed her resources were men of strong, vigorous intellects. They were graduates of universities, ministers of the gospel, lawyers at the bar, teachers in the school, merchants at the counter, and the standard of learning was higher than in any other state of the same population. This statement is

true in 1880, "for," says a reverend gentleman writing to his friends in the East, "I find more graduates here in Stockton than I ever saw in one place." With all this intelligence literature was high, and standard books were not to be had. Books and magazines were brought to the coast by immigrants, in small quantities, but were mostly left on the vessel, as the expense was great in carrying them about.

The Eastern mails were received once a month, and even then were often left on the Isthmus to make way for the tons of freight necessary to support the inhabitants. The newspapers were read with great eagerness, although the news was a month or two old, and their contents formed the topic of conversation until the arrival of the next steamer. In the Spring of 1851, I. H. Knowles was an express rider, carrying the mails between Jacksonville and Stockton. He received $1 50 each for letters and sold papers by the way. The papers included the New York Herald, New York Tribune, Boston Journal, New Orleans Picayune, besides many of the illustrated variety.

The pictorials sold readily for $1 50 each, and the taverns and settlers taking from two to five papers, handed out the money as readily as we now hand out a dime for the same. The money was generally paid in gold dust. All persons wore belts in which to carry the dust. These belts were fastened by straps over the shoulders to support the weight.

Society had no organization, and men were rough and uncouth in their manners and not very stylish in their appearance. The dress of the times consisted of a blue or red flannel shirt and broad brimmed hat, with pants fastened around the waist with a red Mexican sash. The pants were worn inside of a pair of brogan boots. Add to this the pistol and the bowie knife and you have the complete costume of the early times. Every one carried arms of some kind, either pistols or knives.

White shirts and coats were never worn because of the ridicule of companions. When the young lawyer or doctor arrived, the white shirt and broadcloth coat were

thrown aside for the coarse garments of the pioneer. Professional men, merchants and laborers wore the same dress, and in public assemblies and on the street no change was required. After the first five years the presence of women caused a gradual change, and one after another adopted the dress of the East and the deadly weapon was concealed from view.

But with all their rough appearance and uncouth manners there was a heart beneath that throbbed with noble response to the appeals of suffering humanity, and these appeals were felt alike by the upright and the degraded. This characteristic of early society is one of its pleasing features, and history gladly turns from the dark picture of crime and vice to the brighter scene of charity and benevolence.

The pioneers sought the new El Dorado, "to make their pile" and then return home. To do this they expected to enter the mines and procure all they wanted in a few months. On arriving here, however, they found the professions, merchandising, mechanic trades and clerkships open to them, and that in those employments they could make a fortune quickly and honestly. With these, however, there came another class, whose object was to make money, but by an entirely different plan.

In this class were gamblers, convicts from this country and from Australia, Texas rangers, who by robbery and gambling expected to obtain the coveted gold. California became the asylum for all such; for here the thief could escape detection, the gambler could ply his trade, and the murderer flee from justice, or by some means escape punishment. With these men came vice in all its forms. Society was overrun by this class, and saint and sinner associated in one common crowd. Doctors, lawyers, merchants, judges, gamblers, murderers—all in fact gathered in gaming houses almost nightly, to stake their money on a winning card.

It seemed so much easier to make money by gaming that a man's position in society did not keep him from the magic influence, for he saw frequently $50,000 won in a single

night. Hence men who were ministers of the gospel in the East became "monte" dealers here.

As society at the time sanctioned these customs, none were afraid of losing either honor or fame.

The El Dorado, on the corner of Levee and Centre streets, was the principal gambling house. It was kept by John W. O'Neal, who was afterward elected Sheriff of the county. This place was in full operation until the spring of 1854, when churches, the schools and societies of different kinds began to exert their influence on the morals of men, and for want of patronage it was converted into a store, and was destroyed by fire the next year. An incident of "Twenty-One," (a name given to a party, 21 being his favorite game), which took place in this house is related. One evening he was dealing the cards with considerable vigor and spirit, when Bill Owens came up to the table and called for the cards. "I handle the cards myself," said Twenty-One. "Give me those cards," repeated Bill. "I won't do it," was the answer. Bill instantly jumped upon the table out of reach of the crowd, and drawing his pistol and leveling it at Twenty-One, said, "Now, you —— —— give me those cards." The next moment Twenty-One was seen going out of the window at a lively gait, and in the morning he commenced business anew, having left all of his capital on the table the night before.

The state legislature, realizing early the great evil, took measures to suppress it, and passed laws punishing and prohibiting gambling. Since that "stock gambling" has become the mania with all classes the same as faro and monte in early times. Every one could not buy stocks, so betting on elections became a common method of gambling. The game of chance had become so woven into the thoughts of society that one of the characteristic phrases of California is "You bet."

The first legislature of the state was called the "Legislature of a thousand drinks," and the appellation was not without significance.

The saloons were fitted up in grand style for *that* day,

and music and pretty waiter girls added to the attractions. There being no family circles, the saloons became the genera lrendezvous. Many of the men, drawn to the saloon because they had no other place to go to, were led into bad habits, which in many cases have clung to them through their entire lives.

It is not surprising that in those days of carousing the Sabbath was disregarded by the majority of the people. Stores were kept open and business was transacted the same as on any other day, and amusements of all kinds were indulged in. Horse racing was a favorite sport, and was indulged in by all classes, and dog fights and cock fights were not uncommon; but these last amusements were only patronized by the lower classes.

Man is a social being, and none loved the enjoyment of attending the dance and concert more than the pioneers of 1849. The first entertainment that was respectable in character was held in the Stockton House, on the night of February 22, 1851. The guests, as fast as they arrived, were received by Mr. E. M. Howison and H. Taber Booraem. At two o'clock in the morning they all sat down to a superb supper, and then finished the night in dancing. The following ladies were present: Mrs. Charles M. Weber, Mrs. John Murphy, Mrs. Daniel Murphy, Miss Wilson of San Jose, Mrs. Cook, Mrs. John White, the Misses Scott, Mrs. Waldo, Mrs. Ward, Mrs. Harris, Mrs. Kirby, the actress, and Mrs. Townsend.

In January, 1854, a series of social assemblies were inaugurated at the Weber House by Austin Sperry, C. F. Whale, B. W. Bours and others, which were followed by other parties at the City Hall.

The first circus performance took place in the latter part of June, 1850, on the north side of Stockton slough. W. H. Foley came here at that time with a number of well trained horses.

The citizens celebrated the Fourth of July, 1850, with a salute, procession, and an oration in the Presbyterian church, by Thomas B. Van Buren; Foley's band, under

the leadership of Mr. Dean, of Fremont's Corps, furnished the music for the parade.

In his oration Mr. Van Buren paid a beautiful tribute to America, when he said: "This land of liberty is at present the hope of the world. I believe that God has written on our nation's escutcheon, 'Esto perpetua.' I believe that from us shall go forth streams that shall bless and enrich the earth. I believe the universal wave of destiny is flowing out from our land and will continue to roll forward and onward, until all the people of the world shall be free. Away, then, with the sacrilegious thought of disunion. It *must* not, *cannot* be. As long as the memory of Washington shall linger around the hearts of Americans, awakening them to a sense of duty and virtue; as long as the voice of justice and affection and truth shall utter the oracles of fate; as long as the love of freedom shall swell in the breast of man, so long shall this republic stand—the admiration of the world.

"I love thee next to God above,
Land of my fathers, thee I love;
And, rail thy slanderers as they will,
With all thy faults I love thee still."

In March, 1853, H. C. Lee gave his first circus performance in Stockton. Lee purchased a ranch about twelve miles from Stockton, where he trained his horses and had his winter quarters. A few years afterward Lee became bankrupt, and his ranch was purchased by Andrew Wolf. It is one of the finest farms in the county.

The first really good concert troupe that visited Stockton was the Alleghanians, four in number. They gave concerts in the old South Methodist Church, June 12, 1852, the price of admission being $3, single ticket; ticket admitting lady and gentleman, $5.

In August, 1852, Madame Biscacianti, a famous opera singer, gave two concerts.

In June, 1859, the Alleghanians again appeared, introducing the Swiss bells.

By this time California had become well known to the

professional musical world, and fine vocalists were coming to the state under dramatic engagements, and their voices were often heard in Stockton.

Perhaps no concerts were ever more enjoyed than two given in the Presbyterian church on the occasion of the completion of the church organ, in June, 1865. Mr. Gustav Scott, then the finest organist on the coast, displayed the power and variety of the instrument.

The following singers took part:

Mrs. Marriner, solo soprano.
Miss Ada Fisher.
Miss Ret Kroh.
Miss Butler.
Mr. Geo. S. Ladd.
Mr. Maguire.
Mr. Amos Durant.
Messrs. Condy and Eder, cornets.

CHAPTER XV.

THEATERS.

It was with delight that the people of Stockton read the following notice on opening the Stockton *Times:*

STOCKTON THEATER.

"On March 30th (1850) there will be opened at the Stockton House by Messrs. Bingham & Fury a theater composed of the most available talent to be had in California; and the managers trust that by offering to the public some of the standard plays, they may secure a liberal patronage. The evening's entertainment will open with a recitation, 'The American Flag,' by Mr. Bingham, after which the amusing farce of

Box and Cox.

Box.....Mr. Livingstone
Cox.....Mr. Alexander
Mrs. Brown.....Mrs. Jones

"To be followed by several scenes of Sheridan Knowles' play of *The Wife*.

"To conclude with the laughable farce,

Bombastes Furioso:

King Artaxominus.....Mr. Livingstone
Bombastes.....Mr. Harris
Furioso.....Mr. Bingham
Distaffina.....Mrs. Jones

"Front seats reserved for ladies. Admission, $4 00."

Bingham had been a soldier in the Mexican war, and collecting such talent in San Francisco as was available, he organized a traveling company.

The company were not embarrassed when they appeared in the dining-room of the Stockton House with a large piece of cotton cloth for a curtain, and tallow candles for footlights. The large room, which was used as a court-room, was crowded, and the performance passed off satisfactorily to all present.

A small temple of the drama was soon finished, and Stockton boasted of a theater in the new Corinthian building, erected by Captain Weber and Major Hammond. The entrance was on the outside, the stairs leading to the second and third stories. Saturday, August 17, 1850, was the opening night. C. E. Bingham was manager and Mrs. Kirby was the leading lady. The play was "The Lady of Lyons," and as Claude Melnotte, picturing the beautiful scenery of Lake Como, says: "This is my palace, where the perfumed light steals through the midst of alabaster lamps, and every air is heavy with the sighs of orange groves," some one in the audience sang out, "That's tobacco smoke." The effect was electric and a deafening roar filled the house.

The Model Artists soon after made their appearance and won unbounded applause. Venus, Mars, the Madonna and other living statues were seated on a revolving platform, clothed in nature's robes. As Venus rose from the sea the audience laughed in derision, and a shower of beans greeted her ascension.

It was in this theater that the Chapman family made their first appearance. Adjoining the theater a church held its services, and the invocation, "O Lord, we beseech thee, hear our prayer," was frequently answered from the other side by "A horse, a horse; my kingdom for a horse!" or other expressions on the stage equally inappropriate.

In 1851 a new theater was designed by Samuel Purdy, and built by John Owens on the corner of Levee and Center streets. Everything was in first-class style, for the time, seats cushioned, private boxes hung with rich damask curtains. The stage was thirty feet in depth. This beautiful little temple of art was called El Placer. Its success was ruined by the fandango ball given in the theater the Sunday evening preceding the opening night.

Damon and Pythias was the opening piece on the night of February 11, 1851, and Mr. James Stark and Mrs. Kirby, afterwards his wife, took the leading characters. The house was crowded, its seating capacity (about 700) being taxed to the utmost.

In the fire of May, 1851, this theater was destroyed, and the Corinthian Theater was occupied in April, 1852, by Buckley's New Orleans Minstrels. This is said to have been the finest minstrel troupe ever in Stockton.

In the fall of 1852 a concert room was opened on the Levee, and concerts were given every Saturday and Sunday night. In this company was Charlie Backus, who then made his first appearance and has since made a world-wide reputation as a delineator of Ethiopian character.

On the southeast corner of Main and El Dorado streets stands an unfinished brick building, which the citizens blushingly call the Stockton Theater. This temple is old, decayed and palsied, yet it dieth not. Its history dateth

back anterior to the flood, and if we can recall that ancient time we shall see the old temple in its infancy, echoing to the plaudits of the audience as they cheer the pioneer star in his rendition of human nature.

The people demanded a new building, which would be a suitable place of resort for the wives and families of the pioneers who were now coming to California. Mr. E. Hestres, having this object in view, built a two-story brick building, and fitted up the second story as a theater. The work was done in a substantial manner. The scenic artist was Geo. W. Milner, who designed and painted the beautiful drop curtain, "The Miner's Dream of Home," with which all old residents of Stockton are familiar.

As talented artists were few and demanded high wages, no manager dared to risk his money in opening the new theater, and as the institution was to be first-class in every respect, inferior managers were unable to lease the building. A joint stock company was formed for the purpose of playing a theatrical season, and the services of Mr. George Ryer were obtained, who was to lease the theater and engage a troupe, and the company was to stand between him and loss. A set of rules was adopted to secure good order, and to prevent the intrusion of improper characters. The theater was formally opened October 15, 1853. The company was organized as follows:

George Ryer.....Lessee and Manager
W. B. Chapman.....Stage Manager
W. B. Hamilton.....Acting Manager
C. F. Whale.....Treasurer

The play was Bulwer's five act play of *The Lady of Lyons*, George Ryer playing Claude and Miss Caroline Chapman, Pauline; concluding with the after-piece *Perfection*. The theatrical critic the next day, speaking of the conceptions of Miss Chapman's Pauline, says: "Her picture of the struggle between love and pride was so true to nature that the 'state of Pike,' which had annexed the gallery, actually shed tears."

This company during the season played *Hamlet*, *Ingomar*, *The Rivals*, *The Honeymoon*, *Merchant of Venice*, *School for Scandal*, and others of like character. It was the longest and most profitable season ever played, lasting ten weeks. After the theater had been closed some two weeks it was reopened by the Chapman family. During the season a complimentary benefit was tendered the family by the firemen, and in a body they attended the play of *Maid of Munster* and the farce of *Betsey Baker*. At the conclusion of the play, Miss Chapman was called out and responded gracefully. Retiring for a moment, she reappeared bearing in her hands three magnificent banners inscribed with the names of each of the three companies, and presented them to Chief E. W. Colt, who briefly responded and proposed three cheers for the beneficiary.

The foremen of each of these companies the next day (January 30th) published a card of thanks. J. M. Vansyckle, foreman of the Weber, in closing, said: "We shall ever steer clear of the shoals of dishonor and the quicksands of disgrace."

W. B. Clark, of the Eureka, closed thus: "When duty calls we obey."

Ryer having sent East for Miss Matilda Heron, she came here and produced first-class drama.

The season was continued April 14, 1854, under the management of J. D. McGowan, with Mr. Wilder as leading gentleman, and Miss Matilda Heron as first lady. It was at this time that Officer Turner was shot in the thigh while in the discharge of his duty. He being without money, Miss Heron proposed that the proceeds of the first evening's entertainment be given to him. Before the entertainment Turner died, and in a sad letter she was informed that the benefit was not required. This was her last appearance prior to her departure for Europe, and 168 citizens testified to her worth by a benefit April 22, 1854. Never more was this lady to appear before a Stockton audience, and sad was her future history, for she became in-

sane through trouble and loss of property, and left her daughter Bijou an orphan.

At the close of the season, Mr. Ryer after the closing of the play, was called before the curtain, and presented by Chief E. W. Cclt, with a $600 diamond cross. Ryer expressed his thanks, referring to the cross as the emblem of our church. Thus closed the first grand season of the drama in Stockton.

The season of 1857 opened disastrously to a celebrated tragedian, Mr. McDermott. The fame of this man had preceded him, and a deputation of citizens had waited upon him and induced him to give readings at the theater. The news was whispered about town, and when the doors were opened there was a rush until the building was full. McDermott made his appearance and stumbled through his poem, "The Fate of Genius," and then commenced reading a selection from *Hamlet*, when a few potatoes struck the stage behind him. He paid no attention to this, but when a number of cabbage heads struck him he turned to leave the stage; but the new actors had arrived and seizing McDermott they tossed him about in a blanket in a very lively manner for a few minutes, amid the applause of the audience.

In 1862 the first opera was given by Manager Lester, Madame Duret as prima donna.

The drama has not been a success in this city; first-class performances have been few. There has always been a tendency to discourage managers from coming here with fine talent and good support. The expenses are heavier than in any other city, and the City Councils have never been lenient in licenses. The first Council levied a tax on the Bingham Company equal to $3,000 per annum, and the same policy has been pursued by their successors.

The theater building is small and at present is not fit for occupation. It is a disgrace to the city. In 1869 the old worn-out drop curtain was taken down, and in the place was hung an advertising curtain. To call this a charity or poor-house curtain would not be inappropriate. This cur-

tain remained until 1876, when Mr. Straus, a scenic artist from San Francisco, renovated the scenery of the theater, and painted a new drop curtain, the subject being an Italian sea-shore scene.

If a stranger were to judge of Stockton by the theater and court house, he would form the opinion that the city was in its decay, and that the progressive, civilizing spirit of the age had departed, never to return.

STOCKTON DRAMATIC SOCIETY.

While Messrs. John E. and James H. Budd and Wm. Gibson were attending the University at Berkeley they were members of a dramatic society composed mostly of students. This society gave several successful entertainments in Oakland, and were invited by the Champions of the Red Cross to give an entertainment in Stockton. They accepted the invitation, and in July, 1872, produced *The Ticket of Leave Man* and *The Rivals* to crowded houses. These entertainments served the double purpose of filling the coffers of the temperance society, and of removing the prejudice which many had against young ladies of respectability appearing upon the stage.

A society called the Stockton Dramatic Society was formed in 1874, and it was proposed to give a public entertainment including a dramatic performance, the two Budds and Gibson being members of the society. The following were the members of this society: Wm. M. Gibson, Samuel L. Terry, James H. Budd, John E. Budd, Louis B. Noble, Geo. E. McStay, John A. Hosmer, Stanton L. Carter, W. B. Starbird, W. W. Stone, C. W. Curtis, C. N. Platt, Frank M. Kelsey, J. W. Glenn, Miss Etta Russell, Miss Nellie Myers, and Miss Lou Hogan—a natural actress. They gave their first two performances in March, 1875, in aid of the sufferers from the grass-hopper plague in Kansas. *Caste* and *Toodles* brought pleasure to large audiences, gold to the society and thankful hearts to those who received the proceeds in that stricken state. *Damon* and *Pythias* were friends even till death

and when this play was given for the benefit of Charter Oak Lodge K. of P. the leading characters were well sustained. In June, 1875, they played *Rip Van Winkle*. They were assisted by Mr. A. P. Burbank, an elocutionist of some note.

On the 21st and 22d of September, 1878, they played *Zoe, the Octoroon*, in aid of the yellow fever sufferers of the South. This was perhaps the best performance of the society, and embraced in its cast 25 persons. Soon after this they were *Led Astray*, for their own benefit, and a crowded house closed the season.

On the evening of March 31, 1880, they again played for the benefit of the Telegraph Fire Alarm Fund, giving *The Ticket of Leave Man*, and again in the month of April they performed *The Lancashire Lass* two nights for their own benefit. The society has given the people of Stockton first class entertainment, and, by their readiness to assist in alleviating distress wherever and whenever found, have merited the good wishes and patronage of the public, and have always received it. It is supposed that the company has disorganized.

CHAPTER XVI.

PIONEER BUILDINGS.

The buildings of Stockton have undergone three changes. The first building was the log cabin. In 1847 Bayard Taylor visited this section, and he speaks of two log cabins where afterwards he found a flourishing city. These two cabins were built by Joseph Bussel and John Sirey. Bussel's was a tavern for travelers between Sacramento and San Jose, and was torn down before 1850. The logs of which these primitive buildings were constructed were cut near the asylum and near the Mormon slough bulkhead.

Where the city now stands was a forest of oak trees, and many a beautiful oak has been cut down to make way for streets and for buildings. Many names have been given to different localities in this county from the presence of these trees, among which are the "Oak Grove Cottage" and the "Lone Tree." When the tide of immigration commenced to pour into the state, there was no time for building log cabins, and even if there had been time, it would have been impossible to build wooden buildings. Lumber went up to $1 per foot; laborers charged from $12 to $16 per day, and laborers of every kind were very scarce, as men did not care to work at their trades for small wages when from $5 to $100 per day could be made in the mines. Merchants came to go into business and found no buildings. Others with the same desire would land on the banks of the slough with goods, expecting to go to the mines, and after waiting for days for a conveyance to the mountains, would finally conclude to remain here.

Cloth was also very scarce and high, but the building of a tent was only the work of an hour, and thus in a few months a linen city of 1,000 inhabitants was standing where scarcely six months before no trace of a city could be seen. Indeed, a comfortable dwelling was considered a waste of time and money, for the thermometer never falls below 20 degrees, and for eight months of the year a man can sleep comfortably under the blue sky; a waste of time, because money was flowing like water and was made very rapidly; a waste of money, as each one expected to remain for a few months, make his pile and return home. So in many instances they put four posts into the ground, covered with a tule roof, and tacked canvas around the sides and this was home. Among these hastily constructed tents there were a few buildings of wood. Weber had a wooden store where the Copperopolis depot now stands, and Nye & Geddes had a saloon (Central Exchange) on the lot now occupied by the successors to Owens & Moore.

On the morning of December 28, 1849, the cry of "Fire!" was heard. The town was in flames, and in an

hour's time the entire business portion of the town was in ashes. This fire was one of the first of a series of calamities that have visited nearly every town in California, and led soon after to the formation of a fire department that is now unexcelled.

The burnt portion was bounded by Centre, Levee, Main and El Dorado streets, and the amount of property destroyed was valued at $200,000. Merry Christmas dawned upon the city two days afterward and beheld the men cheerful in erecting new buildings and saluting each other with a "Merry Christmas," when perhaps they had lost every dollar they possessed. In a short time a new linen city was standing on that lately burned, and a larger number of buildings of wood were erected. The limits of the town were extended and the business of the town became more scattered. Many pioneers who arrived in 1850–51–52, anticipating a scarcity of lumber, brought with them in sections large frames for houses. These were put together and covered with cloth, tules and lumber. Many of these buildings are still standing and occupied by families. They were most of them two stories in height, and were easily distinguished by their low, slanting roof and their small windows. Many of these buildings are on the peninsula. One familiar in name and location is the Mount Vernon House, so named from the vessel on which it came.

Stockton was composed almost entirely of tents, and all business was transacted in these inflammable shells. The interior of these tents presented a strange anomaly of trades and professions. On one side might be seen a row of shelves containing groceries, on the other, a tailor mending the coarse clothing of the merchant or the miner. In another tent called a saloon, a barrel served as a counter, and on it were a glass and demijohn from which poor whisky was served at 25 cents a drink.

The Mexicans lived in adobe houses. They are made of adobe bricks, dried in the sun, and a tule, tile or shingle roof. A number of these buildings still remain in Stockton, the remains of early days. This style of house is well

adapted to the climate of California, as they are warm in Winter and cool in Summer, at the same time cheap of construction.

The Winters of 1848 and 1849 were very severe. Snow fell to the depth of several inches on the 2d of December, 1848. Very little rain fell until February, 1849, and the rivers were fordable until April.

In December, 1850, another cold spell occurred, the thermometer falling to 20°, and ice one-half inch in thickness was formed in buildings. January 21, 1854, was another very cold day, Stockton slough being frozen over. This has occurred but twice since, viz., in the Winter of 1865, and in January, 1880.

In 1874 snow fell to the depth of four inches, enough to give the boys a chance at snowballing for several hours. The amusement was novel and exciting, for warm clothing and cheerful fires were easily obtained. This was not the case in the early days; then blankets and clothing were worth their weight in gold, and the cloth houses were of little protection from the inclement weather. In January, 1880, there fell the heaviest snow ever known in the San Joaquin valley. The snow fell for several hours and covered the ground to the depth of over four inches. This storm was general, extending to all parts of the state.

In 1849 a large gambling tent was standing on the corner of Levee and Centre streets, Centre street being the principal street in town. This tent was 100 feet square, and contained more than 20 tables for gaming purposes. In this tent assembled nightly hundreds of men from every station in life, to gamble and carouse. The chink of gold, the rattling of glasses, and the music of the violin and guitar accompanying the coarse voice of some bacchanalian singer would mingle all through the night with the hum of voices. This tent was destroyed by the fire of May 6, 1851, and upon its ashes was erected the gambling house known as the El Dorado. Before the ruins were cool, workmen were at work clearing away the debris and staking off their lots preparatory to building in

a more substantial manner than before. This was characteristic of these energeticpioneers; no misfortune or calamity, however great, could destroy their desire to make a fortune. So eager were they in this desire that men would vie with each other to see who would "be first upon his pins." He who first succeeded was champion, and inviting his friends to take a drink with him he would be congratulated by them for his promptness in rebuilding. Men who would grumble at adversity would be ostracized as unworthy the support of men.

The Republican of that date records the fact that an auctioneer, W. L. Baynard, actually sold goods by the light of the fire. This could hardly have been correct, as it was too early in the day for a business transaction. But the energy of the men is seen in this reported transaction. Many of the buildings were the gathering places of citizens for the discussion of the news of the day, and as these buildings figure prominently in history, we will notice a few of them.

The first hotel built in Stockton was the Stockton House. It was commenced in the Winter of 1849, and finished in the Spring of 1850, by Messrs. Doak, Bonsell and Scott. These gentlemen opened their hotel to the public about the first of April; the opening was hailed with joy by the citizens, as the accommodations up to this time were very meager and limited. The building was of wood and three stories in height. It cost about $75,000, and was an ornament to the city.

The first theatrical performance in the city took place in the dining room of this hotel, under the management of Messrs. Bingham and Fury. The first reputable ball ever given in Stockton was given here on the 22d of February, 1851. From the balcony of this hotel flew the white goose that created an immense sensation in the latter part of the first decade.

When the advocates of secession were threatening to destroy the Union, the St. Charles, to which the name was

changed in 1854, became the headquarters of the dominant party of San Joaquin county.

The Dickerson House was opened the same time as the Stockton House, by Messrs. Roach and Mason. It had a large wooden front and cloth sides, and rented for $1,200 per month. Mr. T. K. Hook, who still resides in this city, was the builder of this house, and from him we learn a few facts about it. The house was built mostly of Eastern lumber, dressed after its arrival here. Lumber then was worth from $250 to $300 per thousand feet. A center top plank for the bar was brought from the lumber yard by Mr. Hook, on his shoulder, and cost $95. The second marriage in Stockton was solemnized here, the youngest daughter of the proprietor, Miss Lucy Dickerson, being married to Mr. Chas. Peck, October, 1850.

The next famous resort in order of time is the Stockton Club House. This house was erected on the north side of Market street, between Centre and El Dorado. It was of cloth, 100 feet square, and nicely furnished with reading room, billiard room, dining room, saloon and kitchen. The first meeting of the members was held in July, 1850, at which they adopted a constitution and elected the following officers.

Major R. P. Hammond.....President
Samuel Purdy.....Vice President
Mr. Rascom.....Secretary
E. M. Howison.....Treasurer

From some cause the club was not a success, and on the 30th of October Mr. George W. Nichols, auctioneer, sold the entire fixtures at public auction. Other clubs have been formed from time to time, but they have all been short lived. The last club bid fair to be a success; its headquarters were on Hunter street. Elegant rooms were fitted up for the enjoyment and comfort of the patrons, but it died a natural death a few months ago.

The Magnolia, a large wooden structure, was first opened to the public as a restaurant in June, 1850, and in after years it became a hotel. This hotel, unlike the St. Charles,

was carried on by its builder until his death, which occurred only a few months before the destruction of the building by fire. The Magnolia was a favorite with the traveling public, being well patronized by theatrical and circus troupes. Mr. J. C. Morris was the landlord, and his gentlemanly qualities won him many friends.

Colonel Cheatham engaged in the hotel business July 20th, opening an eating house under the high-sounding name of Hotel de Mexico. The events connected with this hotel are of little importance, but the acts of the proprietor have an interesting place in history. He ran the politics of the city, being a leader in the Southern wing of the Democratic party. In appearance he is described as being tall, well formed—a man whom we would respect, were not his history connected with many of the lawless acts which have stained the early history of Stockton. For many years he bade defiance to law and order, drawing and flourishing his revolver on every occasion which would exalt him in the eyes of his clique. Previous to the war of the rebellion he returned to his Southern home, and was soon promoted to the position of Brigadier General in the Confederate army. At the close of the war he married, and is now residing in Tennessee. The acts of Colonel Cheatham in his early life gave him the reputation of being a gambler, a corrupt politician and a cowardly leader. His hotel was the resort of gamblers and the headquarters of intriguing politicians.

In September Weber and Hammond finished a building on the peninsula known as the Corinthian Building. It was a large three-story building of wood, and at that time the largest building in the state. In 1851 this building contained a court room, a printing office, a church, a custom house, a theater, a public assembly room, a postoffice, two law offices and a large number of private lodgings. In the fall of 1853 the third story was torn down and a handsome front was put on the second story. The building was torn down a few years ago by Captain Weber.

In the fall of 1850 and the spring of 1851 the New York

Hotel, the Galt House (now the United States Hotel), the Phenix Hotel and the Angelo House were built, and there are many interesting incidents connected with these old buildings, but they are of personal rather than general interest, and have no place in this work.

It is unfortunate for the architectural beauty of Stockton that the making of brick was commenced here so early. On many of the principal streets are unsightly one-story buildings that fire cannot destroy, and time only too slowly. The first bricks used in Stockton were brought round Cape Horn from Plymouth, Massachusetts, on the bark Yeoman, by Wm. Saunders, in 1849. Bricks were then worth $60 per 1,000, and a sufficient number were at once purchased by Captain Weber to build a chimney, which is still in use in his dwelling.

After the fire of May 6, 1851, the town was built of more serviceable material than cloth, and wood was regarded as of great value for building purposes. Immediately after the fire a contract was made between Page E. Webster and Wm. Lord, the latter agreeing to build a brick building for the firm. Mr. Lord returned the next day, and while the ashes were still hot commenced the work. These buildings were on the west side of Hunter street, from Main street to Parker's alley, and were known as Piety Row.

A number of brickyards were soon started by Messrs. Canfield, Day and Merrill, and brick buildings were in demand, renting as high as $900 per month. Holden & Reddington erected the first two-story brick building, where, in 1875, E. S. Holden erected a much handsomer structure, corner of El Dorado and Main streets. A number of buildings on the levee below Centre street and the brick buildings on the south side of Centre street, were erected at an early day.

The returning pioneer will recognize one of these buildings which has undergone neither change nor condition, except from the hand of time. This building is situated on Centre street, and presented at the time it was built

quite as elegant an appearance as any in the state. The front is of pressed brick and the floor is mosaic, the only one at the time in the city. This building was occupied by the Adams Express Company until their failure, since which time King Alcohol has held high carnival there.

On the southwest corner of Centre and Main streets stands a large brick building whose glory and fame are of the past. The stranger, in viewing this ancient structure, would surmise that a financial crash had checked its progress, and years ago depopulated the building. In its present appearance none can trace the life and activity which have reigned within its walls. Its silent exterior is a sad reminder that time is sweeping from sight the living, and history alone lives to record the event. In its day the finest and largest building in Stockton, we regret that bartered nature should in its old age stain its past historic record.

Two enterprising and ambitious gentlemen, Messrs. Reid & Warner, predicting a prosperous future for Stockton, resolved to build the Weber House. So confident of success were they that they mortgaged the building to complete it. Their friends, fearing that the enterprise would prove a loss to the owners, used their influence to persuade them to abandon the project; but Reid & Warner, like many sanguine pioneers, placed their fortune in the building, only to lose it before the expiration of fifteen months. The house was opened to the public on Saturday evening, December 30, 1853. A banquet was given in honor of this notable occasion, Captain Weber presiding at the head of the table. The brilliant prospects of the hotel seemed to insure success to the two gentlemen who had expended $40,000 in this improvement. The 17th of March, 1855, the Sheriff's flag was flying from the door and the building was sold to Dillon & Gross for $17,000. They refurnished the house and leased to Colonel Robert Manning until the copper mining excitement in 1869, at which time he removed to Copperopolis. He soon returned and released the house, acting as its landlord until his death. The house has also been under the management of Mr.

Charles Sperry, S. P. Gorham, John Kelly and the owners, the latter losing money in the business. The house was soon after closed and was let afterward as a lodging house, which it remains to the present day.

The Weber House was known throughout the state, and like the St. Charles, was the headquarters of Democracy. The Republican office was for a time in this building, and in the second story was organized the first Masonic lodge. It was also the location of the postoffice for a number of years. As business increased it tended toward the east, and the Weber House was deserted for a more eligible locality. Since the removal of the postoffice again to Centre street, the building has been reoccupied.

The public gardens of a city may be said to be the great breathing spots of the people, where they can rest from their toil and enjoy the smiles of nature. Here the children of the poor, confined in cheerless tenement houses, are permitted to engage in their childish sports uninterrupted. The original owner of the land on which Stockton is built, regarding public plazas as healthful and attractive, deeded to the city, August 28, 1851, ten plats of ground, to be set apart as public recreation grounds. These blocks of land lie in different portions of the city and are as yet unimproved. In 1854 a fence was built around Fremont square, bounded by Fremont, Lindsay, Sutter and San Joaquin streets, at a cost of $5,000. At present not a post remains. After a lapse of twenty-five years another Council have had a fence and sidewalk constructed around Washington square, bounded by Washington, Lafayette, Hunter and San Joaquin streets, at a cost of several hundred dollars. Let us hope that ere another quarter century something will be done to improve one more of the public squares. These plats are each three hundred feet square. The soil is rich and well adapted to the cultivation of trees and plants, and beautiful spots might be made in all quarters of the city at a comparatively small cost. We can with pride refer to the Court House square.

It is a block of land 300 feet square containing a variety

of evergreen and deciduous plants. The evergreens have grown to an immense size; some of them exceeding 20 feet in hight.

This park is the pride of the people and greatly admired by all visitors and strangers to the city. In former years the beauty of the scene was made more attractive by an artesian fountain which threw a spray of water several feet in the air, which fell in graceful curves to the basin beneath. This square is often the resort of those seeking rest and a cool resort. Being situated near the center of business it is not much frequented by families.

At the time the block was donated it could not have been a very inviting location for a court house. It was, however, the only available vacant block near the center of the young city. It was crossed by three sloughs, Stockton channel crossing it from southeast to northwest. Property was then held at a very high figure and the plots of land from the donor, Captain C. M. Weber, were generous gifts given for a most laudable and humane purpose.

The state legislature, in April, 1850, passed a law commanding the Court of Sessions to build, rent or receive some building for a court house, as soon as possible, but no attention was given to this law until May, 1853, when M. B. Kenney in his inaugural address to the common council said:

"The city is altogether deficient in public buildings, and this must in some degree be, and in fact is, mainly attributed to the circumstances surrounding the titles which appear on the archives of the city. A donation was made to the city by C. M. Weber, Esq., the first proprietor of the city, a gentleman who has always shown a praiseworthy liberality, by a deed conveying the levees and certain public grounds. This deed contains in its conveyance the only location within the limits, at all adapted to the purpose to be suggested, is expressed in so doubtful and vague language, that the parties who are hereafter to exercise control have as yet come to no final conclusion as to the authority and respective rights in the matter. By reference to the deed

of gift filed in the office of the City Clerk and recorded in the records of the county, it will be seen that the valuable and unimproved square known upon the city plat as block three, east of Centre street, is intended by the grant as the location of the county court house and for the erection of such other buildings as may be deemed advisable by the proper authorities. It will at once occur that it will be proper to co-operate with the Court of Sessions of the county in the improvement of the square. It seems that it is intended for the joint benefit of the two corporations, and I can see no more proper course to pursue than to suggest the erection of an edifice which will contain rooms and apartments proper and commodious for a town hall, council chambers, city and county offices, court rooms and such other apartments as are usually contingent in such cases."

The Council immediately took action on the Mayor's suggestions, and appointed a committee of two—Messrs. P. E. Jordan and B. W. Owens—to meet Judge Stakes, of the Court of Sessions, and with him agree on the proposition to erect a court house and jail, the court house to be in dimensions 60x80 feet, and the jail to contain a city lock-up, a Sheriff's office, a bed room and a kitchen. The city fathers at first proposed to build a jail on the square, but new plans were drawn, and it was built on Market street, its present location. We may again have occasion to refer to this building in a future article. The committee to whom was intrusted making the proper arrangements in connection with Judge Stakes, adopted a plan for the building, drawn by F. E. Corcoran, with estimated cost, and the proposed means of raising revenue. The Council, June 14, 1853, passed an ordinance authorizing the Mayor to appoint two suitable persons to act as commissioners "whose duty it shall be to direct and superintend, in connection with the committee appointed by the Court of Sessions, the location and erection of said building from the commencement until finished."

And it was further ordained that one-half the cost of said

building should be paid for in funds of the city, equivalent in cost value to the funds of the county. The building was paid for in city and county script, this script bearing interest at ten per cent per annum. The county half of this building was paid for from a special fund. The building of a court house must have been thought of before the organization of a city government, for we find a tax of 25 cents on each $100 levied in September, 1850, for a new court house. As this building was to be paid for in script it is interesting to know its value at that time and the indebtedness of the city and county. In 1852 the old city script was worth ten cents on a dollar, the new script being quoted at 50 cents, city script being in demand at 80 cents. The same year the county was in debt $48,000. In 1853, from the total sum of taxes in the county, $13,695 was levied for the court house. The proposed building increased the value of property, for in February, 1854, Judge Stakes advertised for bids for redemption of county bonds, and only two bids were made at eighty-five cents, holders not being anxious to sell. This script was paid one-fourth when the foundation was laid and thereafter in monthly installments until finished. The amount of expenditures of the city for the first year, ending March, 1853, was $53,933 11, the receipts, $9,053 36, were collected by the Harbor Master, F. C. Andrews, it being equal to the tax on real estate and more than all other incomes combined. The largest amount expended on one object was $28,120 08 for bridges, $7,805 being expended for the relief of the sick. If a city only three years old, and existing under such heavy expenses, could build a court house, handsome as was the present building for that early day, is it not a subject of regret to both city and county that they still occupy the dilapidated structure where a building which would be an ornament to the county could be built for about $48,000, just half the cost of the present structure. The proposals for the building of the court house were opened on the 19th of July. With prompt action the work was commenced, and with such vigor was it carried on, that the impressive

ceremony of the laying of the corner-stone took place on the 6th of August by the Odd Fellows of Stockton. During the ceremony an address was made by Past Grand E. W. Colt. He, in his closing remarks, deposited a number of curiosities, hermetically sealed in the receiving granite. Judge Stakes addressed the audience upon the importance of the grand undertaking, and was followed by George Ryer, who delivered an eloquent oration.

The Common Council, who had been holding meetings in smalll rooms of private houses, met here for the first time April 3, 1854, and in the session of March 30th passed an ordinance for grading the square. The work was performed by Peter Munson, his bid being $6,599. Nobly the work progressed until the 17th of April, when brave young hearts, with wives and friends, assembled in the court house to listen to the dedication service of the structure to justice, equity and old age. The cost of this building when finished was about $83,920. It was about this time that the State Legislature, then convened at Benicia, was agitating the removal of the capital to some more convenient locality. The citizens of San Joaqnin county, having a handsome and commodious new building, offered the use of it to the State Legislature, provided they would hold their sessions in Stockton. The city authorities also tendered them the use of their fire-proof vaults, and agreed to transport all the state furniture, archives of the state and members free of cost to themselves or the state; and furthermore to give bonds in the sum of $40,000 for the faithful performance of the contract. But unwisely Sacramento secured the state capital to the inconvenience of the entire state, when its proper location should have been Stockton, as the city lies near the center of the state, north, south, east and west.

Mr. Munson did not finish grading the square, which has required thousands of cubic feet to bring it to its present grade, and in August, 1857, Mr. I. V. Leffler received from city and county, for further grading, $3,500. Another stand still took place and nothing further was done until Mayor

Holden, in his address of 1859 to the council, said: "I call your attention, gentlemen, to the court house square. With an expense of about $4,000, equally divided between the city and county, an ornamental fence can be built enclosing the square, together with a fountain supplied from the artesian well, thus beautifying and ornamenting what is now a disgrace to the city. Twelve hundred dollars is now in the City Treasury appropriated for that purpose, leaving but about $800 to be collected. I sincerely hope the Supervisors will appropriate the county share and cooperate with the city in ornamenting with trees and plants this beautiful park."

Nothing was done until the following year, when Mayor Holden, by his own personal efforts, assisted by George West, took the matter in hand. Subscriptions of money were obtained from citizens, and the chain fence was built, now replaced by the granite-capped brick wall. A competent landscape gardener was engaged from San Jose to lay out walks and garden plots. Shrubs, plants and trees were solicited from gardens, and a large number of citizens responded. A large number of plants were given by Captain Weber, George West and E. S. Holden. A gardener was hired to care for the grounds, and to-day the city is proud of the labors of a few of her energetic citizens. But in the center of this evergreen garden spot the type of refinement, civilization and art stands an ancient, venerated temple, the sign of decay, desolation and past greatness. Its glory has faded forever. Within its walls are the archives of the county, land patents, deeds, mortgages, assessments, contracts and all that is valuable to a county's existence. Here, too, sit the courts of a populous district, administering justice; daily sit the county officials of this prosperous grain-growing, wealthy county, conducting the affairs of government, while over their heads the insect kingdom sport in undisturbed happiness. It is natural to venerate and respect those things which by age and use have become dear to us, and no doubt in future ages the tourist will admire in reverential awe the crumbling walls of the court house of San Joaquin.

First Two-story Brick Building, Erected in 1852.

Guildhall

CHAPTER XVII.

POSTOFFICE.

The sign "Postoffice," placed over the entrance to a government building in 1880, has no particular interest to the people, except as one of the mediums through which communication between friends and relatives is carried on, for we have the telegraph and the express, which give us ready and rapid communication with all parts of the country.

The arrival of the Eastern mail in 1849 and 1850 was an event which for the time had more attractions for the pioneer than all the gold dug from the mines, for it was to him the bearer of messages of love and comfort from those near and dear to his heart. As they filed up to the window one after another, after the arrival of the mail, and received the answer, "Nothing for you," they would turn away with a sad look of disappointment. The letters received were then as now messages of good news and comfort or of sad news and disappointment, and the face of the reader of these letters would betray the news contained. How many tears have been shed when these letters have been read, giving the sad intelligence of a wife, a mother or a sister, who has been called to rest since the husband, son or brother left his Eastern home to work and toil for them.

No mail communication was established in the state until 1848. All the letters previous to that time were carried by couriers and Indian runners. No envelopes were used, but the sheet was folded in a particular way and the ends were fastened with sealing-wax. Letters for the East were sent by passing vessels or by parties crossing the plains. Says Colton, September 18, 1846: "A bearer of dispatches from Commodore Stockton is to leave to-morrow morning in the Erie, and we are all writing letters home. The Erie is to take the dispatch bearer to Panama, and then pro-

ceed to the Sandwich Islands. We have not received any letters since we sailed from Callao. The year has rolled from the buds of spring to the sere leaf of autumn since any intelligence from those we love has reached us. Death may have stricken them into the grave, but the sad tidings are yet a melancholy secret. We ought to have a regular mail between the United States and California."

The first mail established in California was the wash-tub mail, a mail which existed for several years and did good service. It announced the insurrection at Los Angeles and the defeat of the Americans at San Pedro to the people of Monterey, long before it was announced in any other way. This carrier of the news without straw-bid or contract was the washerwoman that worked in the mountain streams. The Mexican or Indian women probably obtained their information from Indian runners, Mexican horsemen and other sources, and conveying it to others, they soon made it public. As soon as the ocean steamers commenced making their regular trips, in 1848, means were provided by which a regular mail route could be established between California and the East. By a joint resolution of both houses of Congress (1849), Colonel Allen, who had been appointed United States mail agent for this coast, was requested "to establish mail routes between Sacramento and Stockton and the towns in the mining region semi-weekly, and to appoint some suitable persons to act as postmasters." In the same year Congress passed a law making postage to the East 40 cents and within the territory 12½ cents. It is probable that the first route to San Francisco was by the way of Sacramento. Colonel Allen appointed George R. Buffum as postmaster of Stockton. Buffum brought his postoffice with him when he came to California in 1849. It was a story-and-a-half wooden building, brought out from Salem, Massachusetts, on the bark Eliza, and was erected on the levee, where the Eureka saloon now stands. In the second story a club house was carried on, where some of the high-livers of Stockton enjoyed themselves. The tables were supplied

with vegetables and fruit by Dr. Ray and Barnes, who had a ranch on the Calaveras, and they obtained their own prices for everything furnished.

For example: Watermelons, $2 00 each; musk melons, $2 00 each; potatoes, tomatoes, cabbage, from 50 cents to $2 50 per pound. There were no peaches, apples or grapes to be had at any price.

George Buffum and his brother were dealers in groceries, having one side of the building for a store and the other side for a postoffice. In December, 1851, J. G. Candee was appointed postmaster, and in the Summer of 1852 the postoffice was removed to the new Corinthian Building. May 14, 1851, a daily mail was established between Stockton and San Francisco.

While the postoffice was in the Corinthian Building, J. G. Candee suddenly left, being a defaulter, and Jonathan Little was appointed in his place. Wm. H. McKee was his clerk, and was afterward postmaster. After McKee resigned, J. P. D. Wilkins held the office. During his term of office, in March, 1854, the residents of the first ward started a subscription for the purpose of removing the postoffice to that ward, and in three days collected $600, a sum sufficient to put up an office "in good style." The Weber House was selected as the location, and in April the office was removed. John S. Evans took the office in June, and in July went to Honolulu for his health, and there he died in August. The vacancy was filled by Mr. McKee until 1855, when Captain Conner who was in command of a company of soldiers at Tejon took charge of the office. Conner remained in the office for one year, and then, preferring a more active life, resigned February 6, 1856. He was succeeded by Colonel William Lanius, who held the office until September, 1861, when a too free expression of his Democratic sentiments lost him his office, and gave it to a gentleman who had formerly kept a bookstore in the building with the sign "C. O. Burton, Postoffice Arcade." He was a strong Republican and always worked for the party with a vim. In 1870 complaints

were made to the Government that the postoffice was inconveniently situated, and it was removed to a substantial brick building on Hunter street, where it was centrally located and convenient for the farmers who on Saturdays make Hunter street square their headquarters. Burton continued in the office until 1877, when it was discovered that he was running behind in his accounts, and Joseph M. Cavis received the appointment. In 1878 it was rumored that the postoffice was again to be removed to Centre street, and the rumor was well founded. Private individuals had connived with the Government and made a proposition to furnish a building, a fire and burglar-proof vault, etc., free of rent; also, to fit up the new building and remove the office free of all expense to the Government. The U. S. Government for the sake of saving a few paltry dollars a year accepted the proposal, and now at least 15,000 people are obliged to travel several blocks out of their way, to accommodate a few speculating property owners.

The regular mail line between the East and California was by monthly steamers at first; then fortnightly steamers, and at last weekly, or three a month.

The favorite line was by Panama, especially since the railroad across the Isthmus has been completed. The fare has been high always, seldom (unless there was competition) less than $300, first cabin, and $100, steerage. Occasionally an opposition boat put in an appearance, and then the rates of fare were suddenly lowered.

The Moses Taylor was one of these opposition boats, and landed at Nicaragua instead of at Panama. This steamer generally made faster time than those of the regular line. The opposition steamer carried mail bags, and letters could be sent by either route.

In 1858 a daily "overland" mail was established by Congress, and a passenger line was established between Placerville and Fort Atchison, making the trip from point to point in nineteen days. Letters could be sent either by stage or by steamer. The postage on letters was reduced to ten cents, and then to three, the present rate.

In the Spring of 1860, the pony express mail was started and letters were carried through in nine days, by light and well-armed riders, who carried nothing but letters and dashed along on tough mustangs. The sounding horn announced their coming, and as they passed, the knights of the road on the mountain grades would pull their teams to one side to allow them to hurry along without delay. One year did they thus ride when the completion of the telegraph ended their labors. In 1869 the railroad was completed and the mail facilities were increased to correspond with the new and more rapid means of transportation. Our means of communication between here and the Eastern States are now nearly perfect. Elegant postal cars are run on all through trains, and a daily mail from New York in seven days takes the place of the monthly mail which required thirty days for transportation in '49.

CHAPTER XVIII.

THE FIRE DEPARTMENT.

The brave acts and the self-sacrificing devotion to duty of the Stockton fire department shine forth in the light of history as a worthy example of gallant men volunteering to act the hero's part in battling with the "fire fiend." Conquering the flames in the still midnight hour, toiling hand to hand under a noon-day sun, manning the brakes with salamandrine courage, when the scorching heat sought to drive them from their post of duty, their valuable services in saving life and property from destruction entitle them to the name "preservers of Stockton."

When a body of men assume the duties pertaining to the life of firemen, and for years voluntarily devote their time, money and health to the saving of property, they are deserving of the highest praise. Many of these men have been in the service for ten, and even for fifteen, years—a service of five years entitling them to the honored name—"exempt." On the crane neck of the Eureka's second engine was the motto, "We aim to conquer." This motto, though adopted by one company, has been the watchword of the entire department. The early companies were formed mostly of Boston and New York firemen. Landing here with experience, young, daring and reckless, they organized companies and infused into them the spirit of their

Eastern brethren. Being men of intelligence and refinement, they soon became leaders in society and politics.

The three companies on every alarm of fire have exerted every nerve to be the first in subduing the flames. Again and again in the midnight hour, when incendiaries complete their fiendish work, has the department toiled at the brakes until the morning sun shone on the smoking embers of some valuable property destroyed. Ever and anon throughout the night the song of some member

"The fire boys are bound to win.
(*Cho.*) Ho, Yes, Ho,
The fire boys are bound to win
(*Cho.*) A hundred years ago."

would be heard, changed to suit local affairs.

Whenever the department has a parade, a representation of some animal is seen on each banner. This is an emblem of the company and is a time honored custom. The Webers chose as their symbol the Rooster, probably because he is the "cock of the walk." Three years after the Webers selected the Rooster, the Eurekas selected the Fox, he always being victor over the feathery tribe. The Eagle of the San Joaquin Company soars above both rooster and fox. The Hook and Ladder Company have no emblem, the name *Protection* being a sufficient guaranty of their value.

Thankless is the life of a fireman, yet the old volunteer repeats with pleasure the actions of his younger days and sighs that they are no more. The age of steam has pushed human muscle aside, and the steam fire engine is the obedient servant of man and master of fire. The first company formed here was the "Weber Bucket Brigade," formed in 1849. When there was an alarm of fire all the men would run with their buckets to a stream of water, and forming two rows, would pass full buckets to the fire on one side, and the empty buckets back on the other side, to be refilled. Volunteers were always ready to assist, and he who refused was roughly handled. This company was first called into service December 28, 1849. A fire broke out on the levee, and fanned by the western breeze, soon laid the linen city

in ashes. It consumed all the property bounded by Main, El Dorado, Centre, and Levee streets, and over $200,000 worth of valuables were destroyed.

The inflammable material of which Stockton was built, and this destructive fire, led the citizens to take measures to secure themselves against the destroying element at their earliest opportunity. A desirable time for action was in the meeting of the citizens held for the purpose of organizing a city government. At this meeting, June 15, 1850, a committee was appointed to "report a plan of temporary fire police." J. A. Baker, G. W. Mason, W. T. Shannon, James E. Nuttman and J. W. McKinney made a lengthy report, and said: "We find that there is not at present in town a single fire engine, nor any adequate means of arresting the ravages of fire, except the common water bucket; nor have we been able thus far to procure the requisite sum of money to purchase even the buckets so necessary to protect the property of the citizens of Stockton when this awful element is raging in our midst."

They urged the citizens to contribute money to purchase a fire apparatus. They also urged the purchase of fire hooks, which should be placed in different parts of the town. They also recommended the organization of one hundred men into a company, which should have full control at a fire, and also the election of a Chief Engineer.

In accordance with this recommendation J. E. Nuttman, who was said to be "all fireman," was chosen Chief, June 26, 1850. A. C. Bradford was chosen Assistant Engineer, and Emil Junge Secretary of the department. In the action of this body of firemen we see a principle which is inherent in nearly every body of pioneers, for hope has ever been their guiding star. This election was held before any organization of a city government, before any engine was purchased, or funds secured for the purchase; but with faith in the future they knew that an apparatus would be secured.

Captain Weber, anticipating the lack of suitable apparatus for the use of the company, bought a small fire engine and offered it for sale to the Council. He offered the engine

at cost price, $3,799, to be paid in equal installments at three, five and six months time. This proposal was accepted by the Council. August 20, 1850, the members of the company asked the Council for a charter, but the request was laid upon the table. After the purchase of an engine, the Webers, who claim an organization dating from July 4, 1850, without record, claiming that the bucket company was a regularly organized company, formed a company of thirty members, at some time in January, 1851. They stated that they had formed themselves into a company called the Weber Fire Engine Co. No. 1, and requested the use of the engine which Captain Weber had purchased.*

On the 29th of January Major R. P. Hammond, as agent of Weber, was notified to deliver and the Chief to receive the engine. This engine was a small, insignificant affair, and is called at the present time a garden engine. This engine was stored in Weber's barn on the peninsula, and James Lynch, then in the employ of Weber, acted as steward for the company.

In the meantime subscriptions were being received for a building, and the contract was let for $1,402. The house was built on the bridge then crossing Stockton slough, half-way between El Dorado and Hunter streets. The engine remained in this building until the flood of 1852, when the house barely escaped destruction by the flood. Then the engine was removed to safer quarters near the Magnolia, on Channel street.

The following gentlemen are the pioneer firemen of Stockton: J. E. Nuttman (Chief), Frank Q. Brown (Assistant), Wm. Adee (Foreman), W. H. Brown (Assistant), E. B. Veeland (Secretary), J. W. Lewis (Treasurer), Wm. Ward (Steward), James E. Pellock, George M. Johnson, Harry T. Morton, Albert Rogers, D. S. Clark, J. E. Corcoran, A. C. Bradford, J. Kistzol, W. Collins, M. T. Robertson, C. E. Foster, J. E. Buffum, A. M. King, C. B. Durand, P. Gallagher, George E. Taber, P. Casile, L. Klockgather, John Murphy, James Drenan, A. Campbell,

* See Council Reports, book 1, page 126.

E. F. Pacey, A. Weeks, W. H. Lyons, James Lynch, M. Connells, George W. Nichols, G. P. Melmore.

The most destructive fire ever in Stockton broke out May 6, 1851, soon after the organization of this company. The loss was $1,500,000.

In this disastrous conflagration 101 firms lost from $1,000 to $50,000 each. We name a few of these firms, which are of interest to pioneers: Ward & Co., Heath & Emory, Underhill & Co., Gardner & Co., Calvin Page & Co., E. S. Holden, Page & Webster, C. A. Gillingham & Co., Baker & Hickman, Asina & Co., Bissell & Bancroft, I. S. Robb, Central Exchange, Dickerson House, Lucien House and the St. Charles.

Two days before the Stockton fire a large conflagration had occurred in San Francisco, and a number of firemen, including Chief Nuttman, had gone to that city to see the ruins. Judge of their surprise on returning to find their own city in ashes, their property gone, their engine damaged and their hose destroyed. It seems that citizens unacquainted with the management of an engine had taken it in the absence of the Chief and his men and had rolled it to the fire, but between two buildings the fire had overtaken them, and destroyed the hose and badly damaged the machine before they could get it out of its perilous position. This accident was the cause of considerable dissatisfaction on the part of the company, as the Council was negligent in providing new hose.

Finally, on May 24th, the Chief Engineer was authorized to proceed to San Francisco and purchase 500 feet of hose and a hose cart. The Chief found hose scarce and not to be had unless an engine was purchased with it. The Council was in doubt and matters were unsettled until June 7th, when the Weber Company, disgusted with the seeming indifference of the Council, threatened to disband if hose was not procured for them at once. This decided action on the part of the Webers seemed to arouse the Council from their delay. Chief Nuttman was again sent to San Francisco to purchase, if possible, hose without an engine;

otherwise, engine and hose, at a cost not to exceed $6,000. The purchase was made and the bill was paid September 6, 1851. This new machine did good service for many years. The Webers took possession of the new engine, housing her on the bridge.

The question of a lot being under consideration on January 18, 1854, Captain Weber donated to the city a lot for the company's use, on Channel street, and a small brick building was erected. There they remained until the completion of their present fine structure.

The second story of the present building was handsomely furnished by the Company at a cost of $1,000, and on removal to the new quarters they transplanted the longest flag pole ever raised in Stockton. It was of pine, 120 feet in hight, surmounted by an immense fireman's hat, four feet across. This pole was first raised July 29, 1857. The pole was again raised in 1863, but becoming rotten, was soon afterwards taken down.

For the purpose of reorganizing the company, a meeting was held at the Angelo House May 31, 1853, and from the expression of that meeting the Eureka Engine Company came into existence. In the company were two classes of firemen, distinguished as Boston boys and New York boys. The one wanted Henry Chanfrau for Foreman; the other, James Lynch. Henry Chanfrau was elected by a large majority, and the defeated candidate and his friends resolved then and there to withdraw from the company, form a new company and in after years strive with them for the palm. The following officers were elected for the Webers:

Henry Chanfrau.....Foreman
F. F. Pacey.....First Assistant
James Goodman.....Second Assistant
John Utter.....Secretary
Edwin W. Colt.....Treasurer

They applied to the Council for their new machine, but finally consented to accept the old one on condition that they should have a new one as soon as practicable.

The Council agreed to the conditions, as the Chief Engineer reported the engine as old and worn out, and in October, 1853, appropriated $4,000 in scrip and sent to New York for a new engine, to be shipped around Cape Horn.

In December, 1854, an engine arrived in San Francisco for a company in Los Angeles, but they failed to take it, and thus it was offered for sale. The Chief Engineer visited San Francisco and by authority of the Council purchased the engine for $4,500. This engine arrived in Stockton December 28th, and the Fire Department assembled at the Eureka engine house, and, preceded by Coggeshall's Band, marched to the boat, and manning the ropes drew her to the corner of Centre and Main streets, and there tested her power. The department would have preserved the pioneer Weber Engine as a memento, but fate decreed otherwise. It was destroyed by fire on February 21, 1855. A fire broke out again on El Dorado, between Main and Levee streets, and in a few minutes this locality was a sheet of flame. The thick black smoke rolled to the sky, almost obscuring the noon-day sun. The firemen and citizens worked manfully at the brakes, but they could not check the flames until they had devoured everything in their course. About $50,000 worth of property was destroyed by this fire. Another fire in the same block occurred July 30th. After the fire of February the fire limits were established, and as a consequence a lot of low brick buildings were erected that will never be torn down as long as they are profitable.

We sometimes meet with blessings in disguise. The incendiary who fired the Uncle John restaurant on the morning of July 30, 1855, was a benefactor, though he did not know it. The fire was discovered by the watchman of the steamer Cornelia, who gave the alarm by ringing the boat bell. The fire of February destroyed the east half and the fire of July the west half of the block bounded by Main, Levee, El Dorado and Centre streets. It was in the latter fire that the Weber engine was destroyed, and among the

sufferers by the fire were B. Howard Brown, James Ruddick and Nicola Milco, all of whom are still residing in Stockton.

In 1858 the steam fire engine was being introduced to the public of the Eastern States, and San Francisco had purchased the steamer Pennsylvania No. 12. The Webers, not being willing to be excelled by any other state company, at once took measures to purchase a steam engine, and a committee was at once appointed to solicit subscriptions. As a nucleus fund, the Council, September 22, 1860, donated $450 and the proceeds of the sale of the hand engine. The hand engine was sold to the fire company at Pacheco, Contra Costa county, for $1,200. A contract was made with Naffie & Levy, of Philadelphia, to ship an engine as soon as possible. The engine was sent to New York and there tested by a committee therefor appointed, and proving satisfactory was shipped to San Francisco on board the clipper Swallow, May 10, 1862. It arrived in San Francisco in December, 1862, 176 days from New York. A public trial of her power was made January 1, 1863, and the people were all anxious to see one of the wonderful inventions of the nineteenth century—fire and steam subduing fire.

This engine, now used as a relief engine and bearing the expressive title of "Old Betsy," is a second-class, 13-inch stroke, 4½-inch pump, 9-inch cylinder, and weighs 8,300 pounds. It cost, including freight, $4,000. This engine was the third steamer in the State. The company undertook to run the engine by hand, but this was found to be impracticable, and in March, 1870, they engaged Mr. Charles Ashley to furnish a pair of horses and devote his time to the management of the steamer. A handsome four-wheeled hose carriage was also purchased by the company at a cost of $800, and this was generally managed by a company of boys, who adopted the name of "Weber Hose Company."

A few years later, the company sent to Manchester, New Hampshire, and purchased a new engine, at a cost of $5,000.

It is described as being a double engine with two 6-inch cylinders and two double acting vertical pumps, which with their eight-inch strokes are capable of discharging, at fair speed, 400 gallons a minute. They also have a two wheeled hose cart, made in Stockton by two gentlemen, Messrs. Shaw and Ashley, both of whom are members of the company. The cart is patented, one of the patents being a brake on the hose reel. The present officers of the company are:

George Tilghman.....President
T. S. Thresher.....Secretary
E. E. Thrift.....Treasurer
Henry Eshbach.....Fireman
George Kroh..... First Assistant
Joseph Harry.....Second Assistant
Henry Wolf .....Driver of Engine
John O. Laughlin.....Driver of Hose Cart

EUREKA NO. II.

In the active fireman we often see a restless nervous temperament that loves the exciting scene and that delights in getting "the first water."

Nineteen of the old members of the Weber seceded and met at the Angelo House, on Thursday evening, June 2, 1853, for the purpose of organizing a new company. The following persons were present: W. B. Clark, James Lynch, John Gallagher, W. R. Jefferson, Charles R. Williams, J. Hodgkins, Elbert Weeks, Wm. Dutch, William Wallace, Richard C. Delaney, R. W. Kelly, J. H. Keeler, Frank Stewart, C. G. Crumps, Martin Cahill, A. S. Gage, William H. Cateleyen, W. L. Franklin, Ed. Griffin. The following officers were elected:

James Lynch.....Foreman
W. B. Clark.....First Assistant
E. Weeks.....Secretary
D. S. Clark.....Treasurer

Having completed their organization they sought a name,

and selecting the exclamation of Archimedes "Eureka," (I have found it) they, by unanimous consent accepted it as the name of the new organization.

All being now complete except an engine, they asked for the "machine now unclaimed by any similar organized body." This unclaimed engine was the one purchased in San Francisco, and the Webers having had that engine, petitioned for it when they reorganized their company. In the strife which took place the Webers generously gave way to the new company, and the Eureka took possession of the engine.

This company is composed of men who are at all times ready for a festive occasion, and on the 22d of February, 1854, took place the first of a long series of festivities. The city had made no preparations for celebrating the day and it was a fitting occasion for the company to have a patriotic house-warming, as the city had built for the Eureka and Protection companies a neat brick house at a cost of $11,450. The second story had been handsomely furnished, and on the evening of the 22d everybody had been invited to feast at tables loaded with all the luxuries of the season, including champagne which flowed like water.

This company at first was not large yet much was expected of it, for the Weber engine was old and worn, and Chief Colt, in his report to the Council July 19th, said that the Eurekas had thirty-five members, their engine was in good order, and that in case of fire the main reliance was to be placed upon them.

In March 1855, the engine which had been purchased in New York arrived in San Francisco, and on the 7th of March, the department again assembled to try the new Smith Engine. The trial proved satisfactory, and she was pronounced to be one of the best second-class engines in the State. She was turned over to the Eurekas, who were very much pleased with the change. This was probably the best engine of her class in the State. The company sent several challenges to different companies and were refused.

So powerful was the company at the brakes that it was necessary to spike the wheels to the earth. In June 1855, the Howard Engine Company, of San Francisco, came on a visit to Stockton, as the guest of the Eurekas. On their arrival fifteen guns were fired, and leaving their engine in the house of the Protection company, they marched to the Weber House to breakfast. At 9 oclock they paraded the principal streets and at 4 o'clock had a banquet at the engine house. On the following day, the 20th, they visited the asylum, dining there, and then to Oak Grove Cottage, and lastly the residence of E. S. Holden. They returned to San Francisco on the 21st, followed by the good wishes of the entire department.

The Council refused to appropriate any sum for celebrating the 4th of July 1856, and the Eurekas, having an invitation from the Howards of San Francisco to visit that city, left for San Francisco on board the steamer Cornelia, July 3d, accompanied by the Stockton Cornet Band. They were entertained in sumptuous style and a dinner was given to them at the American Exchange, the bills of fare being printed on red and white satin. One of these has been kept by the company as a *souvenir*, and has been neatly framed, and hangs in the engine house. It bears these words: "Complimentary dinner by Howard Engine Company No. 3, of San Francisco, to our brother firemen, Eureka Company No. 2, of Stockton, July 5, 1856, at the American Exchange Hotel."

The following five sentiments were reported to the company by a committee appointed to select a motto:

(1.) Our motto is our name.
(2.) Fearless in danger.
(3.) The fire fiend's foe.
(4.) We are ready for action.
(5.) We aim to conquer.

None were satisfactory to the company except the last "We aim to conquer." This embraced all the others; for if we conquer, we must be "fearless in danger," a "foe to the fire fiend" and always ready for action.

The Eurekas were frequently ordered out for a drill and a wash. On one occasion a fire occurred about the time usually appointed for a wash (4 P.M.) and returning from the fire about 8 P. M. they rolled the engine to the Levee and had their wash.

In December 1856 Charles Williams, a charter member, visited Merced county, and there died and was buried. As soon as the traveling would permit a delegation of the company visited that county and removed the body to Stockton for burial. The funeral services were held in the engine house and he was buried with all the honors of a fireman. Some months after this act a letter was received, stating that Charles Williams still lay in his original grave, the man who was brought to Stockton having died in 1851. The mistake occurred from the fact that Williams lay seventy yards south of the unknown dead, and his tombstone was only a few stones thrown together. This incident, although recorded of a fireman, is only one of a thousand that lie buried on hillside and valley in unknown and unmarked graves.

In 1857 the State Fair being held in Stockton, a fireman's tournament was given, the prize being a silver trumpet for the best playing for engines of each class. The second class prize was a tie, the Eureka, Weber, and San Joaquin competing for the prize. The Eurekas hold the trumpet. The next year the company attended the State Fair at Marysville, to compete for the prize. By an accident they were badly beaten. Starting on the steamer Gazelle in the happiest of moods they arrived in Sacramento in safety, and proceeding on their way the steamer run upon a snag and commenced to leak badly. To save themselves and the engine, the engine was set to work and all night long the men remained at the brakes. On arriving at Marysville it was insisted that they should play, but the engine being full of gravel failed to do herself justice. The company returned much dissatisfied with the result.

As early as 1859, the Eurekas and Webers were both discussing the purchase of steam engines. The latter sent

for a steamer, while the Eurekas ordered from William Jeffers of Pawtucket, R. I., one of his best first class hand engines. She arrived in December 1860, and cost $4,000. The body was built of rose wood, stained and highly polished, with gold scroll engravings on each side. Her plating was silver and pearl, the company paying $500 extra for this work. The engine was a beauty, but her throwing power did not give satisfaction. The rivalry now existing between the two companies was commendable. The lightness of the Eureka and the heaviness of the Weber always told in favor of the former, the latter sometimes miring on the street.

In March 1865 a four wheeled hose carriage with trimming similar to the engine arrived. It cost $1,625, and was capable of carrying 1,000 feet of hose. The Eureka Hose boys were allowed possession of this carriage at alarms and on parades. In March 1870 the Webers attached horses to their engine and the Eurekas "failed to conquer."

In their company at this time there was a gentleman, Mr. A. B. Bennett, who was equal to the occasion, and was the prime mover in the forming in 1871 of an association known as the Eureka Association with a compact and By-Laws: "The primary object of this Association is the creation of a fund to be devoted to the purchase of a steam fire engine for the use of the Eureka Engine Company No. 2, to be employed in the service of the fire department of Stockton."

"The capital stock or fund of the Association is fixed at six thousand ($6,000) dollars, divided into twelve hundred (1,200) shares, of five ($5) dollars each, to be aided by such voluntary contributions, in the form of donations, from Insurance companies and other sources as may offer in aid of the enterprise.

"It is not proposed that the stockholders shall derive any pecuniary benefit or advantage from the investment, they will consist of active, exempt, and honorary members of the company, and others friendly to its welfare and pros-

perity; who shall subscribe for the number of shares equivalent to a sum of money they feel able and willing should lie unproductive for a season.

"At this present writing and before appealing to the friends of the company in behalf of the enterprise, a careful and extensive correspondence has been had with all the principal steam fire engine builders in the United States, with a view to digesting the information thus obtained and furnishing data whereby the Eurekas, when so disposed, may secure an apparatus which shall be a paragon of beauty, mechanism and excellence. and with which they may safely *challenge the entire Pacific Coast*.

"For eighteen years our motto has been, "We aim to conquer," and so long as vigilance and unaided human muscle were opposed to us, the contest was equal, and the Eurekas were considered no common foe. There is not a man who has served in the company's ranks that is not proud of its record; but it will soon become a thing of the past and be forgotten, unless as in other days we prove ourselves equal to any emergency."

This stirring appeal had its effect, and an order was again sent to William Jeffers for a steamer, tc be made in accordance with the views of Mr. Bennett, who was an engineer. The engine arrived in 1872. At fair working speed she will discharge 400 gallons of water in a minute and weighs 2,200 pounds. The cost of this engine was $6,000. The engine is accompanied by a two wheeled hose cart purchased in San Francisco. In October 1872, Charles Thompson took charge of the engine as driver, and Fernando Lastreto is driver of the hose cart.

Previous to the fire which destroyed the Smith and New York button engine they were accompanied by a small engine named, in honor of the donor, "Vansyckle." This engine was in possession of Wells, Fargo & Co., to protect their building, and Chief Vansyckle on leaving the city presented it to the Eurekas.

They painted it, and placed the name in gold letters on each side of the box, and formed a company of about

twenty boys between the ages of eight and twelve years to parade with them. The uniforms were red shirts furnished by the Eurekas, black pants and straw hats. The boys elected their own officers, their foreman being R. Fisher. Some of the members were George Sanderson, Henry R. Underhill, Edgar Whitney, Frank Wilkins, Charles E. Williams, Thomas Fowler, Andrew Chase and George H. Tinkham.

About this time Mr. George Kroh, living near the Birdsall Foundry, where A. N. Blake now lives, made a small engine and called it the "Young America." Before it had been finished a week it saved the foundry from destruction. A company of boys also managed the engine on parade, in straw hats, white shirts, and black pants, and those early times formed a pleasing feature of the annual Fourth of July parade.

From the two steam fire engine companies of the department we now pass to the third company—the San Joaquins—No. 3.

The Board of Delegates, in November, 1855, believed that the demands of the city required another engine, and the Council purchased a Hunneman engine in San Francisco, and shortly afterward the Smith engine arrived for the Eurekas. The German citizens then organized a company March 9, 1855, and under the name of the San Joaquin No. 3 they became a part of the department, and the button engine was assigned to them.

The Pandolphin was a body of men under the leadership of J. M. Vansyckle that organized about this time, but they had no permanent existence.

The San Joaquins were provided with a small wooden house on Weber avenue opposite Lane's mill. This location being unsatisfactory, the Council purchased a lot for $300, and a two-story brick building was erected in 1856 by William Saunders. The first alarm bell ever in Stockton was purchased by this company. It was in February, 1857, that the managers of a German ball donated $50 of the proceeds for this purpose, $200 more was obtained and the

Council appropriated $125 more for a bell tower. The bell was swung into its place, but its ringing peal was never heard, for the bell was cracked. The company made use of it until 1865, when a new bell rang out its signal. This bell was purchased in San Francisco and cost $290, its weight being 480 pouuds. This bell was sold, and now calls the sinner to repentance in Linden.

When the Eurekas sent for their engine, in 1860, the Council also ordered one for the San Joaquin Company. They arrived together in December, 1860, and were alike except in the materials of the body and plating, the San Joaquin's engine being of mahogany and the trimming of brass.

The old button engine was laid away to rest, and side by side with the old Eureka it departed this life in 1866. In the same fire the hook and ladder company lost their uniforms.

The new engine of the San Joaquin Company, like the Eurekas, did not give satisfaction, and it was sold in after years to a fire company in Livermore for $500.

In 1869 the old engine house of 1856 was torn down, and in its place was erected the finest engine house in the city. The San Joaquins were also desirous of having a steam fire engine, and, not representing as much capital as their brother firemen, concluded to raise the money by a lottery scheme. This scheme created quite an excitement, as there were 371 prizes of the aggregate value of $22,000 to be given away; 20,000 tickets were issued at $2 each, a sum so small that even the poor could be swindled. The lottery was placed in the hands of a few to manage and was to have been drawn July 12, 1871. It was postponed until September 24th, at which time a large leak was found to exist, and the company were out of pocket to pay expenses.

Two years after this a new invention came into public notice, and chemicals were used to extinguish flame. An engine was brought to Stockton as an experiment, and the San Joaquin Company were so well pleased with it that they at once purchased it, paying for it $3,500. It is well

known that carbonic acid gas is a deadly enemy to life and fire. It is by the use of this gas that the new engine in close quarters is a grand success. The engine is light and is rolled by a pair of horses. It can reach a fire quicker than the heavy steamers. The present officers of this company are as follows:

J. L. Mowbray.....President
B. F. Kohlberg.....Foreman
W. M. Denig.....Secretary
Frederick Yost.....Treasurer
Charles A. Bekeart.....First Assistant
S. A. Smith.....Second Assistant
Michael McCann.....Driver

These three companies are all volunteers, receiving an allowance from the city, and any deficiency is made up by the companies. Each company owns its own apparatus, including horses. It is the pleasure of these companies to rival each other in promptness of action, and to lead in the race they have contrived all manner of inventions for the unfastening of the horses, the opening of the doors and the harnessing of the horses in the shortest possible time. So proficient have they become in this work that in fifty-five seconds from the striking of an alarm they are on their way to the fire. Mr. Charles Thompson patented an invention by which he can light a fire from the driver's seat. It consists of a chemical in a vial, and being loosed by a pull, it falls and explodes, setting fire to the kindling wood.

As a result of this drill and practice and the proficiency of the department, destructive fires are few and insurance is cheap.

PROTECTION HOOK AND LADDER NO. 1.

The Committee of June 18, 1850, as we have seen, urged the citizens to contribute a sum of money and procure five hooks and ladders and place them in different parts of the town. Public spirited citizens took the matter in hand and solicited subscriptions, and having purchased the truck, it

was ready for service October 8, and the Mayor notified the Council of the fact.

Mr. Geo. R. Buffum, whose name appears in connection with the report, was unable to persuade men to form a company, and the hooks were placed in charge of the Street Commissioner and were kept at the Court House square. When the engine house on the bridge was completed in February 1851, they removed to that building, occupying it jointly with the Webers. The following are among the charter members of this company: W. B. Losee, J. W. Underhill, W. W. Trembly, G. W. Carlisle, D. W. Trembly, George D. White, George H. Sanderson, M. B. Kenney, W. H. Knight, N. Fairbanks, J. S. Meckly.

Where this truck came from or what was its cost is not known. It is said by some to have been purchased in San Francisco; by others, that it was made in Stockton, and that the axles were hammered out of bar iron. The truck was ready for use, but no company was formed until November 15, 1851. This is the date of the organization claimed by the Protection Company. In October Mr. William Baker had enrolled a body of 30 men willing to organize and manage the truck, and petitioned the Council, October 24th, for authority to complete the organization. The prayer was granted on the condition that they act under the direction of the Chief Engineer. The truck was placed on the bridge with the Weber Engine, but after the Webers obtained their new engine the Council erected a suitable building for the Protection Company, on Market square, at a cost of $500. During the next year the Eurekas were organized and another house was necessary. A brick building was finished for the joint use of the Eurekas and the Protection Company. This building was erected on the same lot that these companies now occupy.

The history of this company is brief, and nothing of importance occurred until 1866, when their uniforms were destroyed. We will therefore note the ravages of fire at different times within the history of the city. The first large fire was in 1849, and it was followed in 1851 by the

most destructive fire that has ever occurred in Stockton. In February, 1855, the east half of the block on El Dorado street was destroyed, and in July the west half of the same block was destroyed for the second time. On the morning of July 3, 1858, a fire for the second time laid waste the east side of the block on El Dorado street, where Gall's bakery now stands. On September 28, 1864, the Centre street block, between Main and Levee, was burned for the third time, and in 1870 the Grand Hotel, a large three-story building, was erected by Heeny & Lochhead where formerly stood the one hundred-foot gambling tent, the El Dorado, and Fisher's stage office. On the 5th of October of the same year the row of buildings where the Independent block now stands was set on fire and was soon in ashes.

In this fire the Eureka saloon, which had so long been a resort for the thirsty and weary pioneer, was destroyed. On the night of the fire a large number were sleeping in the building, and while the fire was raging inquiry was made and all were safe but one, William Strickler. He had gone to bed full of liquor and the next morning his body was found burned to a crisp, the flesh still steaming with the heat of the flames.

At this time, October, 1864, it was evident to all that Stockton was doomed to go up in smoke and blow away in ashes, unless something was done to avert such a disaster. The torch of the incendiary was being applied in all parts of the city. One and sometimes two alarms would occur in twenty-four hours. The city was wild with excitement and the situation was alarming. The citizens of the Second ward met at the St. Charles Hotel, and Moses Severy was appointed Chairman, and Sidney Newell Secretary of the meeting, and a patrol of 25 men was appointed to guard the Second ward. On the next day, October 10th, the following notice appeared:

"TO THE CITIZENS OF STOCKTON.

Our city being to an alarming extent infested with incendiaries you are hereby notified and required to meet at

the court house at 4 P. M., in order to devise, form and mature plans for the protection of the city.

GEORGE GRAY, Mayor."

The meeting was held at the appointed time, Mayor Gray in the chair, V. M. Peyton, Secretary. A patrol of 14 men was appointed for each ward to guard the city. Orders were received from the Sheriff, Mayor and Chief of Police: "If any one is seen setting fire, shoot him on the spot." Any person on the street after ten o'clock, unless identified, was arrested and taken to headquarters and there searched and compelled to make known his business. For two weeks Stockton was under arms and then the fires ceased. During that period of fear there were 27 alarms of fire, or nearly two every day. In some cases phosphorus was placed in such a position that the sun's heat would set it on fire, and the person guilty of this fiendish conduct has never been discovered.

In 1866 the building containing the Smith and the New York button, and the little Vansyckle engines, and also the uniforms of the Protection Company was burned, and this property of the department was destroyed.

The hooks, truck and ladders being old and having become insecure, the company, in 1868, purchased a new truck in New York for $2,700. They ran this truck by hand until July, 1873, when they conformed to the improvement of the city department, and a horse was purchased, and Reuben Myrick was appointed driver.

The present company consists of 65 members, with the following officers: President, Hoel Greenwood; Foreman, John Collins; First Assistant, James Ford; Second Assistant, Gilbert Dow; Secretary, M. Brisco; Treasurer, Fred. Arnold; Driver, Mike Brisco.

At the present time each company has its full quota of 65 men, making a total membership in the Fire Department of 260.

The city is now comparatively safe from a destructive conflagration, and for several years no fire involving any great loss has occurred.

THE BOARD OF DELEGATES.

This Board was organized in 1854, in conformity with the law regulating fire departments. E. W. Colt, Chief Engineer, was called to the chair. Certificates were received from E. W. Weeks as Secretary, J. W. Underhill as Treasurer, E. W. Colt as Chief, and Andrew Lester as Assistant Chief, they all having been elected by the department January 11, 1854, the number of votes cast being 87.

The Board passed a resolution February 6, 1855, authorizing the Chief to give notice through the papers to all members of the Fire Department that they are required to renew their certificates of membership on or before May 1st, as all certificates are hereby revoked, and members not obtaining new ones will be no longer considered as members of the department.

In 1856 A. S. Rider was elected Chief Engineer and S. M. Baldwin and John Ramshart, Assistants. The two first named would not accept the offices, and in December M. L. Bird and J. M. Vansyckle were elected, the latter as Chief. In 1860, George H. Sanderson was elected Chief, and M. S. Robinson and R. S. Conley Assistants. The two last named resigned, and P. W. Dudley and Philip Neistrath were chosen in their place. The offices soon became thankless tasks and no person could be found willing to accept them. In August, 1863, R. B. Lane, M. Severy and Amos Durant had been elected but declined to serve, and at this time the subject of making the office of Chief a salaried one was discussed. An election was ordered for August 29th, but as there is no record, we presume the office was not filled. In 1864 no election was held, as no one could be found willing to accept the office without a salary. The Board of Delegates postponed any further action for one month until the Council had taken action in the matter. The question of salary was settled by the following letter:

"To the Board of Delegates of the Stockton Fire Department—Gentlemen: You will please take notice, that at a meeting of the Common Council of the City of Stockton,

held October 6, 1864, the following resolution was unanimously adopted, to wit:

Resolved, That the Council fix the salary of the Chief Engineer of the Fire Department at $20 a month, and that the Department be requested to hold an election forthwith.

L. E. YATES, City Clerk."

An election was at once ordered, and no difficulty was experienced in obtaining a candidate for Chief. Thomas Cunningham was elected Chief, Phil. Rohrbacher First Assistant, and G. C. Hyatt Second Assistant.

The present Board of Delegates is composed of four representatives of each company.

The first Chief was J. E. Nuttman, at present a resident of New York. I have no means of knowing how long he served as Chief—but it was probably until 1852, when he changed his residence to San Francisco.

Edwin Colt succeeded him and was re-elected several years until 1856. He was a man of warm social qualities, a good fireman, and highly respected. When the Howard Engine Co. of San Francisco visited Stockton in 1855, there came with them the "Striped Pig Club." On their departure they presented W. B. Clark and Chief Colt each with an elegant fire hat. These hats were 32 cone. The Chief's hat was white, with a striped pig—the emblem of the club—on the frontispiece.

Colt's successor in 1856 was A. S. Rider, followed in 1857 and 1858 by John Ramshart.

In 1859 we find John Hart in the office. George W. Sanderson, one of the organizers of the hook and ladder company, was elected in 1860, and, served for three years, until he removed to San Francisco. In 1863 R. B. Lane was elected but declined to serve. No candidate came forward until the salary of $20 per month was attached to the office, when Thomas Cunningham accepted the office and served the following years, 1864, 1865, 1868, 1869.

Frank Seilnacht, a member of San Joaquin No. 3, served in 1866 and 1867, and Philip Rohrbacher in 1870.

John Nichols then served till 1874, James Brown was Chief in 1875 and 1876, Pope Mountjoy in 1877, and then Henry Eshbach, a young man raised in Stockton, became the head of the department for two years. The present Chief is John B. Buckley.

THE ALARM BELL.

The ringing of bells for an alarm of fire by hand in cities is fast being superseded by the telegraphic fire alarm. The cry of fire is always a cry of dread, and the cry was often heard in the streets of the "Linen City." Before many months bells were introduced into the city and these rang out any alarm of fire. The bells of the Presbyterian and Catholic churches have rung out many an alarm, and the little bell of the Stockton Bakery has often aroused firemen from their slumbers; and the Eureka Engine Company still have a large triangle. This triangle, in 1850, was used to call the mechanics of Grove & Fairbanks' blacksmith shop to their meals, their men, 100 in number, boarding at their expense.

The subject of a fire bell was first introduced in the Board of Delegates in 1854, and a vote was taken regarding the size and weight of the bell. The majority were in favor of a bell weighing from 800 to 1,000 pounds. The Council laid the petition of the delegates on the table, ending the subject until 1856, when 500 citizens petitioned for an alarm bell. Two more years passed, and a committee was appointed by the board to urge the necessity of providing an alarm bell upon the Council. In August of the same year (1858), the department asked for $2,000, the department agreeing to furnish $500 of the amount.

The Council appropriated $1,000 and authorized a committee to visit San Francisco and purchase a bell. The bell purchased weighs 1838 pounds. It cost $850, and the Steam Navigation Company transported it free of cost. Plans of a bell tower were submitted to the Council and the plan of W. M. Brown was approved. The contract price was $1,125. The distance from the ground to the

top of the dome is eighty-nine feet; hight of building forty feet. The tower has four clock faces, each five feet across, and the work was completed under the supervision of H. P. Leonard, of San Francisco, and the bell was swung into its place April 12, 1859.

The town clock was manufactured in Boston by Howard. For several years the clock dials were an elevated reproof of the tardy enterprise of Stockton. In 1867, Mr. Charles Haas, a jeweler, visited his German home, and on his return to California he purchased this clock on his own responsibility, and shipped it to Stockton, via Cape Horn, in 1867. It was exhibited in the Agricultural Fair of 1868, and was an object of great interest, especially among the children, who had never before seen so large a timepiece. By the individual exertions of James Littlehale, deceased, $500 were raised for its purchase, to which the city and county gave $500 more.

In October, 1868, the great 500-pound weight began to move the machinery of the clock, and since that time it has been recording the rapid flight of time toward the boundless regions of eternity.

CHAPTER XIX.

MILITARY ORGANIZATIONS, ETC.

The history of our citizen soldiery is brief and periodic, no one company being in organization more than six years and each company except the first being disbanded by reason of political change. Although there were many veterans of the Mexican war in the county, their love for the field of glory had lost its strength, and the "manual of arms" offered no attractions for them.

The pioneer military company met on the evening of

June 11, 1851, under the name of the San Joaquin Guard. The company was duly organized under the following officers: Major R. P. Hammond, Captain; George Kerr, First Lieutenant; James Lynch, Second Lieutenant. The only exploit of this company was in being under arms in the Daly fight, when, having driven him off his ranch on the Calaveras, a band of armed men came to the city, whither he had fled for protection, and demanded him from the officers. Some time after this event the Indians in the South were creating trouble, and the Governor called upon the State Militia to march to the battlefield. The Captain immediately had a handbill printed, calling on the company to meet at the Corinthian Building at a certain time, and requesting a full attendance. The night of meeting came and the Captain was on hand promptly to make known the objects of the meeting, and only six of his company were ready to say "Let me like a soldier fall."

Major Hammond, who had been an officer in the Mexican war, had taken great pains to organize and drill this company, and he was so disgusted with the cowardice of his command that he never called them together again.

Nothing more was said of military organizations until January 1855, when a call was issued to the Guards and all others wishing to join a volunteer company for a grand parade on Washington's Birthday. A sufficient number met and organized a company under the following officers: P. E. Connor, Captain; J. Leaman, First Lieutenant; James M. Milmore, Second Lieutenant; Stephen Burgen, Orderly Sergeant, and Elbert Weeks, Treasurer. This company adopted the name of Anniversary Guards. They formed on Washington square, in uniform and mounted. They were preceded by Lee & Marshall's Circus Band drawn by six gray horses. They marched through the city and to the ranch of Mr. Kitchen, on the Lower Sacramento road. Here a barbecue was served, and an oration was delivered by A. C. Bradford. It was the intention of the company to maintain a permanent organization, but dissatisfaction existing among the officers and men, it culminated in a

meeting July 29th, in which a change in name and a complete change of officers were made. The company was called the City Guard. They elected their first officers and that is all we know of them.

In December, 1856, the Stockton Blues were organized, and their first officers were as follow: S. A. Booker, Captain; P. E. Connor, First Lieutenant; H. C. Patrick, Second Lieutenant; C. F. Whale, Junior Second Lieutenant; J. H. Webster, Orderly Sergeant; F. C. Andrews, E. B. Whitman, John Taufer, Sergeants; J. W. Vansyckle, J. H. Keeler, J. D. Boyle, James Ruddick, Corporals; John Taufer, drummer; and F. C. Daniels, fifer.

The Stockton Blues, in their uniform of dark blue trimmed with white cassimere, and regulation hats and tall white plumes, were Stockton's pride, and on parade with their first military band made a fine appearance.

This military band had for a leader Mr. Richard Condy, being now the only member of the pioneer band now living in this city. In 1854 Mr. Condy, an excellent cornet and flute player, had come to Stockton from Philadelphia and afterwards engaged in mining at Mariposa. His love of music was inborn and he was teaching a party of amateurs. Through the press he was heard of in Stockton, and a party of amateurs here sent for him to come to Stockton to teach them. He found an amateur band, which had been under the instruction of Amasa Coggeshall for nine months. Mr. Condy took charge of this band, and it was organized as follows, February 26, 1856:

Richard Condy.....First Eb cornet
George Clark.....Second Eb cornet
John Bennett.....First Bb cornet
Robert Don.....Second Bb cornet
Charles Ling.....First alto
M. H. Bond.....Second alto
Alexander Burkett.....First Bb tenor
Jonas Stockwell.....Second Bb tenor
John Nye.....Bass tuba

A. Durant.....Baritone
John Taufer.....Snare drum
T. S. Strout.....Bass drum

For twenty-five years this band, under the same leader, has supplied music for the citizens of Stockton.

On July 4, 1858, the Stockton Blues were presented by the ladies with an elegant silk banner, but its folds were never to wave over a united corps, for the seeds of dissension were growing each month and the existence of the company ceased in 1861. In that year Captain Connor became Brigadier General of the Third Division of California Volunteers, June 16th, and immediately after the parade on July 4, 1861, resigned the command of the company to P. L. Shoaff, who was elected Captain at the next meeting. The members of the company were divided in opinion about the war for the Union, which was then in progress, and the company disbanded.

STOCKTON UNION GUARD.

The clash of arms was heard all along the Eastern shore. The Western coast was at peace, but the foe was there in large numbers, and none knew how soon they, like their Southern bretliren, might strike for secession. A paper was being rapidly signed with the following heading:

"We, the undersigned, hereby agree to unite in forming a military company here in Stockton under the laws of this state; equipments and drill to be determined after the company is organized, and we will take an oath to support the constitution and laws of the United States of America and of the state of California."

The subscribers met at the City Hall August 13, 1861, and organized the company, W. H. Lyons presiding at the meeting. General Connor was chosen Captain; C. J. Newcomb, First Lieutenant; Sol. Pearsall, Senior Second Lieutenant; W. L. Coombs, Junior Second Lieutenant; E. N. Robertson, Secretary, and W. P. Hazelton, Treasurer.

The meeting was a very enthusiastic one, strong in patriotism and large in numbers, 146 signing the roll. The Independent, in its local column, said: "In times like these we think that all sensible men will agree with us that every city as populous as this should have organized and drilled military companies."

Just before they received their equipments General Connor resigned and H. O. Mathews was elected Captain. An armory was rented and every night they drilled in the tactics of the army, under the supervision of an army officer. November 7th is a date they have not yet forgotten, for at their first annual ball, on the evening of that day, a large number of people were present. Near the hour of ten the dancers formed a half circle and the guards came marching in, and, halting in front of the spectators, presented arms.

Miss Mary Loring (Mrs. Amos Durant), with a flag in her hand, accompanied by Miss Loretta Kroh (Mrs. Andy Zimmerman), then came forward and in her remarks said: "We have wondered at the skill so speedily acquired by you in the intricate movements of the military art. In all this we see but the spontaneous outward show of hearts surcharged with love of country. We cannot mistake your motives of action. Should the tocsin of war sound in our ears, and gleaming hostile bayonets flash in our eyes, we shall look to your gallant corps for the vindication of the honor of our country and the preservation of our domestic interests from all assaults. And now we present you with the colors of our country. They are fast as the hearts of the donors for the true and brave. This is no Pleiad constellation—no three-barred bunting—but a galaxy of beauty. Then take this gift. It is no idle tribute. We love its folds. Let no idle minion ever trail them in the dust. Should they ever go into battle, bring them proudly out or fall with them on the gory field."

George W. Tyler, on behalf of the company, received the colors and said: "We do love our country. God bless her! We love her for what she has been and for all the glorious memories of the past that cluster around her.

We love her for what she is—the refuge of the oppressed—freedom's hope—the wonder of the world. We have organized as a company to be prepared for any emergency that may arise in this hour of our country's need; and in the hour of danger, if it shall come to you, you shall not appeal to us in vain for protection. I accept at your hands the flag of the free, and here to-night, in the presence of beauty and worth, we swear by Him who rules the world that no other banner shall ever float over us while we live and while we have an arm to protect it. No traitor's hand shall ever wrest it from us or trail it in the dust."

This speech expressed the sentiment of the entire corps, and it was the hour of danger that incited the members to become so proficient in drill.

H. O. Mathews had resigned, and Sol. Pearsall was captain, at the time of the Comstock ranch affair in 1862. J. H. Gilmore was their next commanding officer, and in 1863 they elected L. E. Lyon, who remained in command as long as the company preserved its organization.

In the Legislature of 1865 and 1866, the Democrats, having a majority, passed a law reducing the state appropriation for the militia, and limiting the brigade to 2,000 men, and ordering all companies to reorganize. This was a measure of apparent economy, played in the halls of Congress to destroy the power of the army, for the Democracy seems to have an aversion to a law enforcing power. The militia of the state were all opposed to this law, and many companies disbanded.

The Union Guard met on the evening of July 13, 1866, to reorganize under the new law. Finally they concluded that the new militia law was unjust, and tended to degrade the military system and create dissatisfaction in the different organizations, and concluded to disband. Sixty-five members voted upon this resolution, and presented their Captain with the flag and the fixtures of the armory. Thus was disbanded an infantry company that during the war had no superior in the state.

In August, 1862, under the President's call for 300,000

troops, the Guards tendered their services to the general government. It was deemed by the general government imprudent to withdraw any military force from California, and the young soldiers were detained as a home guard.

STOCKTON LIGHT DRAGOONS.

Oscar M. Brown and R. S. Johnson made inquiry in June, 1862, of Adjutant-General Kibbe, if arms for a cavalry company could be procured. An affirmative answer was given. They had made their request none too soon, for companies were being formed all over the state, and only one set of cavalry equipments was to be had. On the 17th of June the company met and elected the commissioned officers as follows:

O. M. Brown.....Captain
P. L. Shoaff.....First Lieutenant
G. Joseph.....Second Lieutenant

and on June 20th the following non-commissioned officers were elected:

R. S. Johnson.....Orderly Sergeant
I. V. Leffler.....Second Sergeant
F. W. West.....Third Sergeant
H. F. Horn.....Fourth Sergeant
Edwin Pennington.....Fifth Sergeant
Charles Grattan.....Surgeon
John Schreck.....Farrier
M. H. Bond.....Trumpeter

Their first appearance in public was on July 13th, when they turned out 36 men in citizens' dress, as an escort to the Third Regiment Volunteers on their way to Salt Lake.

This company after receiving their uniforms made a soldierly appearance on parade.

Thomas K. Hook became their Captain in 1864. O. M. Brown and R. S. Johnson had joined the Second Regiment of Cavalry, California Volunteers, with the rank of Captain. Under the new militia law the Dragoons met July 13th and disbanded, and Stockton's first and last cavalry company became only a matter of history.

STOCKTON CITY GUARD.

In May, 1864, the subject of organizing a new military company was agitated, and a sufficient number of names being presented Judge Underhill issued a call for a meeting in the City Hall, F. T. Baldwin to preside. They met May 5th and organized by electing N. M. Orr, Captain; C. .H Covell, First Lieutenant; Wm. Wallace, Second Lieutenant; John Nichols, Junior Second Lieutenant; L. E. Yates, Secretary. This company concluded to reorganize under the new law, and July 13th elected the following officers: John Nichols, Captain; Eugene Lehe, First Lieutenant; George Kroh, Second Lieutenant.

STOCKTON LIGHT ARTILLERY.

This was the only artillery company ever organized in Stockton, and it was a subject of regret when they were mustered out of the service, because of their loyalty to the country to which they had sworn allegiance. This company was formed on the evening of September 10th, 1864. M. G. Cobb was chosen captain. The election of this gentleman gave the company a solid standing in the community, for he was a man of legal and military experience, having been Captain of the famous Light Artillery of Boston, Mass. It was a company of the solid men of the city. S. W. Sperry was elected First Lieutenant; E. B. Bateman, Second Lieutenant; H. S. Sargent, Third Lieutenant; George E. Weller, Fourth Lieutenant.

October 8, 1864, their battery of four guns, 6-pounders, arrived from Sacramento, and was stored in Gray's brick building on the levee until an armory could be procured, a guard being placed over the guns. George Natt's building was obtained as an armory, and the company soon became proficient in the tactics of artillery practice by nightly drill. On July 4, 1865, the company made its first parade, and on this occasion the first, second and third detachments fired the morning, noon and evening salutes.

An annual parade and field drill took place in Agricultural park, October 20, 1865, and they passed in review be-

fore General Davies and staff. They received their first drill in practical field work, the horses being loaned by private citizens. When they returned to the city the day concluded with a supper to which the soldiers did full justice.

The 8th of May, 1866, is a never-to-be-forgotten day in the memory of our citizens, for they had presented to their sight a feeble representation of the mighty events which had been taking place on the battle field only two or three years before. The company assembled with the Stockton Cornet Band, marched to Castle's Ranch, on the lower Sacramento road, and engaged in target practice. After lunch there was a sham battle. It was a fine sight, those 62 men, 32 horses, 4 caissons, 4 cannon, moving over the field and performing all the work of a real battle, except killing an enemy. They returned to the city tired but well pleased with their first experience in actual gunnery.

They assembled on July 16th and again swore fealty to the country. On October 1st, their commander, M. G. Cobb, who was about to remove to San Francisco, resigned his command, and S. Sargent was chosen captain. His promotion was of short duration, for the company had incurred the displeasure of the "powers that were" at Sacramento, May 23, 1868, and their doom was sealed.

Upon receiving the news of the nomination of Grant and Colfax the Unionists were delighted, and a ratification meeting was held on Saturday evening, May 23, 1868. The second and third detachments fired a salute of 100 guns in honor of the occasion, but every salute was a blow at secession, and so long and loud did the sound echo through the air that the Democracy in power at Sacramento determined to silence them by special order No. 19, issued three days after the salute to Brigadier General Davies. This order commanded the artillery to assemble at their armory June 16, 1868, and have all state property ready for inspection at the time specified. The company officer was to turn over to General Allen all of the state property. On the arrival of General Allen he was received by a salute of

eleven guns, and the company assembled upon that evening to be mustered out. They were reviewed by General Allen in an undress uniform—an insult to the company and to the audience assembled. The company gave up the battery to the Democratic state officer. Some one cried out "Three cheers for Grant and Colfax!" and they were given with a vim that made the hall echo. This body of men immediately met in their library room and formed an association, tendering their services to the Union Committee for the purpose of firing salutes, and a committee of three was appointed to confer with the Union Committee and Freedom's Defenders in the purchase of a gun. The committee met and Mr. George Gray was appointed to purchase a gun. He purchased one in San Francisco at a cost of $125. The cannon was then mounted in good style, and still announces the victories of the Union party.

This company had a valuable library and reading room fitted up with pictures and ornaments. No special guard was kept after the disbanding of the company, and some incendiary set fire to the room and destroyed a large portion of the contents. The fire communicated to the room opposite and destroyed a very valuable collection of stuffed birds, minerals and shells collected by Dr. Reid, Dr. Holden and C. D. Gibbs during the space of 15 years. It was a loss to the State also, as many of the specimens cannot be replaced.

THE STOCKTON GUARD.

Was organized December 12, 1871, and had in its ranks both Republicans and Democrats, but how great a change the country had passed through during the intervening years. They numbered about 50 men and were armed with breech-loading rifles, and made a handsome appearance on parade but have not the proficiency of the old Union Guard, as they lacked both interest and the ambition of that spirited corps. Their Captain, Eugene Lehe is a well drilled officer, a strict disciplinarian and is proud of his fine company.

The following are the present officers of this company:

Eugene Lehe.....Captain
J. J. Nunan.....First Lieutenant
J. W. Payne.....Second Lieutenant

On the recent occasion of the visit of this company to San Francisco when Grant arrived, the bearing of the officers and men was such as to elicit marked attention, and secure for the command the honor of being the best appearing body of men who participated in the reception. The company have a neatly furnished armory and two uniforms—one of gray and the other of the regulation blue, and draw from the State an allowance of $75 per month.

ST. ALOYSIUS CADETS,

As the name implies, are a body of young men, from ten to seventeen years of age, trained and drilled under the surveillance of the church that worships the saint after whom the company is named. They were organized as a company November, 1876, and were drilled by Sergeant Nunan of the Stockton Guard. Handsome uniforms and musketoons were obtained for the company by different means at a cost of over $1,000. Lieutenant Nunan has taken great pains in drilling his pupils and they are a credit to their drillmaster, but the boys will grow and the uniforms will shrink, so that it is a difficult task to keep the company ready for "dress parade."

THE STOCKTON RIFLE CADETS

Is another company of youthful soldiers, organized in February, 1877, in opposition to the St. Aloysius Cadets, and were drilled by Eugene Lehe. This company also have the musketoon and a pretty uniform of the Zouave pattern, but they are fast outgrowing their uniforms and will soon have to "break ranks." They are under the patronage of the Stockton Guards, drill in their hall and usually follow them on all public occasions.

THE EMMET GUARD

Is an independent company formed and named after

that distinguished Irish patriot, Robert Emmet. They were unable to form a part of the Third Brigade, National Guard, as that organization is already complete; so they organized as an independent company, until such a time as they could be admitted. They have purchased guns and a fatigue uniform and make a very creditable appearance.

The following are the officers of the Third Brigade, National Guard of California:

Brigadier General Thos. E. Ketchum.....Commanding
Eugene Lehe.....Acting Assistant Adjutant General
Major Wm. M. Gibson.....Inspector
Major Joseph C. Campbell.....Judge Advocate
Major James A. Shepperd.....Ordnance Officer
Major Samuel M. Woods.....Commissary
Major Frederic C. Hahn.....Paymaster
Major R. W. Henderson.....Quartermaster
Major Stanton L. Carter.....Engineer Officer
Major Morgan D. Baker.....Inspector of Rifle Practice
Major Asa Clark.....Surgeon
Captain Chas. W. Dohrmann.....Aide-de-camp
Sergeant Major Phil. T. Brown.....Orderly
Sergeant Major James J. Evans.....Orderly

COUNTY MILITARY.

The Castoria Guard and the Mokelumne Light Dragoons were two companies organized during the war. The first was an infantry company of 20 men, organized at French Camp, under the command of O. H. Perry, an old member of the Stockton Blues. The Dragoons were organized at Lockeford, G. C. Holman, Captain, and were on parade in Stockton for the first and only time July 4, 1865. Neither company existed for more than a year.

Geo. S. Evans

CHAPTER XX.

POLITICAL HISTORY.

The political history of San Joaquin claims our attention to some extent; although it properly belongs to State and National history, there are measures and men that have a local importance. Before we notice the politics of the county let us turn to the territory and see who composed the leaders in the political parties, and what was their aim. They came from the North and from the South; the representatives of two great political parties—the one fresh from the teachings of Webster, Clay and Jackson—the other imbued with the principles of Calhoun and Hayne: the one breathing union and liberty to all, the other demanding state rights and slavery. These two parties under the name of Whig and Democrat met to try their fortunes on a new and neutral soil, and to wage political warfare with each other, until the great civil war put an end forever to the issues then at stake.

Slave owners from the South brought with them their slaves and put them at work in the mines side by side with the freemen of the North: and bitter feelings were engendered. Northern men were determined that slavery should not exist in California, and Southern men were equally as determined that it should. With these antagonistic views they went into a convention which formed the constitution prohibiting slavery. Why Dr. Gwin, who has since been a violent secessionist, approved of that measure is not known. The first election for members of the Legislature took place in November, 1849. Then California asked for admission to the Union. Was she admitted at once like Texas in 1845 with her slaves? No, for California had said "there shall be no slavery." She was admitted at last after nine months of discussion and delay, and after several compromises had been made on both sides. These events had their effect upon the people of the state, and in

1850 at the city election we find the party lines as clearly defined in "New York" and "Texas," as though it were North against the South. Samuel Purdy, a Northern Democrat, for Mayor, was opposed by David S. Terry, a Southern Democrat.

These titles had a wider significance than the names of the two states implied, for under "New York" voted Whigs, Abolitionists and Democrats, and under the banner of "Texas" Democrats and Secessionists in thought cast their ballot for him who was afterward the leader of the Democracy in San Joaquin. Democratic papers throughout the state had been advocating the marshaling of their forces, and in April the San Joaquin Republican joined in the cry to organize. The two wings of the Democracy united and on the 26th of April, 1851, organized the first political party in the county by electing Samuel Purdy, President; Nelson Taylor and Benj. Weir, Vice Presidents; and Major R. P. Hammond, Secretary. The object of the meeting was to elect Delegates to the Democratic State Convention to be held in Benicia. The following Delegates were chosen: R. P. Hammond, S. A. Booker, J. E. Nuttman, Nelson Taylor, George Kerr, A. C. Bradford, R. P. Ashe, W. D. Root and Dr. Reins. The Whigs also fell into line and elected Delegates to their Convention in San Francisco. I have obtained my information on these points from one source only and cannot give the names of these Delegates. Both conventions met and nominated State officers, and on May 29th the Democrats met and ratified their ticket, and were addressed by W. M. Gwin on high protective tariff and the sale of mineral lands, he opposing both measures. April 5th, the Whigs, few in number but strong in purpose, ratified their ticket in the Corinthian Theater. H. W. Wallace was elected President, and George R. Buffum, Secretary. The speech of the evening was by Judge Martin. County conventions were next in order, and again the Democrats took the lead on July 12th nominating R. P. Hammond and W. W. Stevenson for the Assembly. The Whigs met July 19th and nominated

Geo. A. Shurtleff, Henry A. Crabb and John McMullen, who declined. Principles and men also were shifting about and in the state election of September 3, 1851, the county candidates were elected as independents; but in the election in November of the same year Stockton gave a Democratic majority of 129 votes. In 1850 John C. Calhoun died, and in 1852, Webster and Clay also passed away. The last two were Whig leaders and the Democracy then took up the cry that Whiggery had no leader except Seward and his faction, and that it was no longer Whiggery but Abolitionism.

The party of 1855 was a new one called the American or Know-Nothing party. Their platform was "Americans must rule America." This party was composed of both Whigs and Democrats, and in the ranks were many who joined the disunion party during the war. This party carried the state in September, 1855, and San Joaquin gave from 100 to 250 majority against Democracy. 1856 is a memorable year, in which a series of events was begun, terminating only with the surrender of Lee at Appomattox Courthouse, nine years later.

A corrupt administration of justice, shielding the criminal from punishment, had called forth severe denunciations and scathing rebukes from a portion of the press. Courts of law had become courts of iniquity. A few good men were in office but they were powerless. Ballot-box stuffing in elections was a regular occurrence. Around the polls stood the gambler, the convict and the "Sydney Duck," ready to make the majority in favor of their candidate within ten minutes after the polls were closed. Citizens were powerless to change this state of affairs, and a radical change was required.

This change was brought about by the organization of a Vigilance Committee, and they completely revolutionized the politics of the State. That the acts of this party were unlawful cannot be denied, but that their acts were productive of great good is sustained by history. Since law is made for the people and not the people for the law, the

acts of the Vigilance Committee are approved by all good people.

The shooting of James King of William by the convict James P. Casey, in San Francisco, May 14, 1856, revealed to the astonished citizens a body of men secretly bound by oath to rid the state of the outlaws who had been ruling its destiny for six years. This shooting caused great excitement and men freely expressed their opinion of the deed. The Vigilance Committee at once arrested Casey and hurried him off to their prison to try him for murder in case of King's death. The papers of the state approved or condemned the action of the Committee according to their political principles. The San Joaquin Republican gave the facts of the case and was silent as to approval or disapproval. The Argus boldly denounced the assassin and gave as a reason for the silence of the Republican, that "Casey cast a vote for San Joaquin in the Democratic Convention with Messrs. Powell and Patrick." The latter gentleman denied the charge, or any acquaintance with Casey, but admitted that he was a Delegate to that Convention. A. C. Baine, one of the editors of that paper, denied having written an article in defense of Casey, which the proprietors were willing to publish, but which was suppressed for fear of public sentiment. The course pursued by this paper in the affair was so unpopular that thirty firms withdrew their patronage and induced others to do the same. Among the number were J. M. Buffington, C. T. Meader & Co., E. R. Stockwell, Hewlett & Collins, Alonzo Rhodes, W. M. Baggs, Mills & Doll, Saunders & Hickman, Austin Sperry, H. S. Sargent, H. B. Underhill and Enoch Gove.

An indignation meeting of the citizens was held May 20th "to give an expression of opinion in regard to the recent attempted assassination of James King of William by James P. Casey." B. W. Bours was President; J. M. Buffington, Vice President, and Enoch Gove, Secretary. A committee of thirteen were appointed to draft resolutions expressive of the sense of the meeting. The Chair ap-

pointed Philip Groves, G. A. Shurtleff, T. R. Bours, Colonel A. Lanius, Rev. Mr. Fisher, E. Hestres, George D. White, H. Hickman, V. M. Peyton, J. G. Scofield, H. B. Underhill, John W. Hart. Speeches were made by Mr. Fisher, H. Amyx, John McMullen, H. B. Underhill, P. Groves and S. A. Booker. The committee presented a series of resolutions, the following being among the number:

"*Resolved*, That we recognize in James King of William the unflinching advocate of law and order; the friend of honesty, purity and morality; the uncompromising enemy of corruption in high places and the fearless exposer of the intrigues of dishonest bankers, office holders and politicians.

"*Resolved*, That the shooting of James King of William by James P. Casey was one of the most unwarranted outrages ever committed in the annals of crime; the work of an unprincipled assassin who is unworthy longer to pollute the face of the earth.

"*Resolved*, That the condemnation and execution of Casey and Cora would be in accordance with the will of the sovereign people—the highest tribunal in the land—a fitting rebuke to our impotent courts of justice, so-called, and a terrible warning to men of bloodshed and violence in our land.

"*Resolved*, That the peopling of our State is naturally retarded by the prevalence abroad of an opinion that California is controlled by unprincipled men; that law is used to shield the criminal from justice; that gambling is countenanced as a legitimate pursuit, and that immorality of every description is allowed to go unpunished."

While these resolutions were being read the victim of the affair, James King of William, had passed away. As soon as the news was received in this city—May 20th—business houses were closed, bells were tolled, flags were hung at half-mast and the grand jury then in session adjourned. On May 22d the engine houses and private residences were draped in mourning, and at 11 o'clock business houses

were again closed, it being the hour of the funeral. The day was rainy and the original route of the procession was not carried out.

Meeting on Main street, the procession, headed by the Stockton Cornet Band playing a dirge, marched up Main street, followed by the Masonic lodges, Odd Fellows, Firemen, Sons of Temperance, and city officers and press, and citizens on horseback and on foot. After marching to the head of Main street they countermarched to the theater, where appropriate services were held, and an oration was delivered by Mr. Fisher.

On this same afternoon the bodies of Casey and Cora were hanging by the neck from the second-story window of the Vigilance Committee's headquarters. Cora had been married on the morning of this day to a prostitute who had spent all her hard earnings for his defense.

The news of the ending of this tragedy was received with pleasure, and a feeling of relief that at last justice was satisfied and that a new era had dawned. Only a month passed and the excitement again reached a fever heat, and Stockton was deeply concerned, for Judge Terry, who had been elected Judge on the Know Nothing ticket, had severely stabbed S. A. Hopkins, a vigilance officer, in the neck, June 21st. He was arrested and confined for two weeks, awaiting the death or recovery of Hopkins. In that time Hopkins was considered out of danger and Judge Terry was given his liberty on the 7th of August. When he arrived in Sacramento he was received by a torchlight procession, and congratulated with speeches by Colonel Baker, Volney E. Howard, Horace Smith and others, and "feasting was indulged in until daylight."

Judge Terry returned to his home in Stockton August 17th, and was received by a few friends with rejoicing. About five o'clock a deputation went from the city in carriages and on horseback, accompanied by the band, to meet their fellow citizen. The procession entered the city, Judge Terry occupying a carriage with Judge C. M. Creaner. As they were passing through the streets the cannon thun-

dered forth its welcome, and the St. Charles, Weber House, New York Hotel, and Court House were illuminated. When they reached the Weber House Judge Terry was welcomed back to Stockton by A. C. Baine in a speech, delivered from the balcony of the hotel. They then returned to the parlors and received the congratulations of friends, "for," says the Republican, "if Hopkins had died Judge Terry would without doubt have been hanged."

In the presidential canvass of this year the friends of J. C. Fremont, believing that he had been wronged in the early history of California, by being superseded as Governor by General Kearny, determined to run him for President. The leader of the Democracy was James Buchanan, and Millard Fillmore led the Know Nothing party. In July was formed the first Republican organization in the county.

"A short time subsequent to the nomination of John C. Fremont a few persons met in the building now occupied as a saloon, on the corner of Weber avenue and San Joaquin street, for the purpose of forming a club for the support of the nominee. After a temporary organization by the selection of J. M. Buffington as chairman and C. C. Firley secretary, the following names were subscribed to the roll at this, the first meeting: J. M. Buffington, C. C. Firley, Dr. G. R. Warren, John Tucker, M. Walthall, jr., and B. P. Baird. A committee of three were appointed to prepare a constitution and by-laws, and report at a meeting to be called by the chairman. On the ninth of August the club met and permanently organized by the election of Dr. W. R. Kerr, president; J. M. Buffington, secretary, and Dr. Warren, corresponding secretary. Meetings of the club were afterwards held in the old Baptist church on Centre street, and continued up to the time of the presidential election. The club then numbered about one hundred members.

The first Republican county convention met at the City Hall October 10, 1856, and organized by the selection of D. J. Staples as chairman, and C. O. Burton and M. Walthall, jr., for secretaries. Dr. W. R. Kerr and Samuel Myers

were nominated for the Assembly, and I. S. Locke, Superintendent of Public Schools. The first number of a Fremont and Dayton campaign paper was issued October 10, called the Stockton Daily Gazette, John F. Damon, editor. At the election, as shown by the official records of the Board of Commissioners, Fremont received in Stockton 218 votes, and in the county outside, 329 votes.

In 1857 a full county ticket was nominated, but before the day of election, by some agreement of the county committee or leading men of the party, a portion of the ticket was withdrawn and the nominees of the then waning American party were substituted. The result was, as it ever will be when principles are sacrificed for expediency, that principle was the loser. The combined vote was less than the Republican vote of the previous year—the average vote being about 300 in the county.

The Republican party was weak in numbers and influence. The Democrats had elected their President and were in the majority, and the American party, though dying, was not yet dead. But the Republican party was steadily gaining strength, and in February 1859, the Broderick-Terry duel gained accessions to their ranks that gave them the victory. In this duel the sympathies of the Republicans were with Broderick, and in the cool-blooded manner in which it was accomplished the infamy of disgrace fell upon Judge D. S. Terry, who disgraced the state when its Supreme Judge became a murderer. Before Broderick died, September 17, 1859, six days after the duel, he said: "They have killed me." Broderick's death was said to be a political necessity, and subsequent events proved that it saved California to the Union.

In July, 1860, four great parties had met in the United States, and on the election which was to follow depended the vital issue of war or peace. The candidates were: Douglass, of Illinois, Northern Democrat; Breckenridge, of Kentucky, Southern Democrat; Lincoln, of Illinois, Republican; Bell, of Tennessee, Native American. There was no compromise to be made, no peace policy to be

entertained. Preceding events had brought the people of the United States to that point that it was peace or war. The North said to the South, "We shall submit no longer to your dictates." The South replied, "You shall, or we will secede and destroy the Union." The question was to be decided by the ballot, and soon after the bullet sustained the will of the majority.

The most important election ever held in the United States occurred on November 6, 1860. During the campaign the Argus had supported Douglass. The other candidates had no paper here to advance their principles. The election proved disastrous to the Democracy, and they have not yet fully recovered their strength.

The city vote was:

Breckenridge	537
Douglass	448
Bell	82
Lincoln	480
Total	1,547

The county vote was:

Breckenridge	1,314
Douglass	713
Bell	199
Lincoln	1,131
Total	3,457

The state was carried for Lincoln and he was inaugurated March 4, 1861. He took his office under trying circumstances, for, says the Argus, "Buchanan hands him the office stained with smiles awarded to treason, weakened by acts of imbecility, with part of the public domain yielded to traitors and a government powerless to execute the laws." Says the Republican: "Mr. Lincoln is a man of undoubted energy and ability, but whether he will ever succeed in becoming the President of more than nineteen states of the Union depends in a great measure upon the action of the North, upon the demands of the border states."

Millions in our country have not forgotten April 13, 1861. The cannon-ball that struck the walls of Fort Sumter sent a thrill of fear through the nation and concentrated all the issues of the past years into one vital question —union or secession?

The news of the attack was received in California on April 26th by the Pony Express. It was not unexpected, as threatening reports had been coming for two months previous of warlike preparations being made. But the Democracy here scouted at the news as false. On the 6th of May the Pony brought news of two great speeches by Douglass at Columbus and Springfield, in which he took strong grounds in favor of the administration and said: "Rebellion must be put down by the government. It will be better to sacrifice life and property than to have tyrants and traitors to rule over us." A few months after these speeches were made, the great leader passed away. Just before he died, being asked if he had any message for his children, who were absent, he said, "Tell them to obey the laws and support the constitution of the United States." On the monument which marks his resting place could be placed no more fitting inscription than the above quotation from his speech. Millions of his adherents rallied around their leader and the Union cause received great strength from his declaration.

To the village of Woodbridge belongs the fame of organizing the first Union Club, in May, 1861. Soon, however, these clubs were organized in every precinct in the county. These clubs were composed of men known to be loyal to the Union, and no others were admitted. They had their secret pass-words and grips, and were drilled in military tactics, and, with their arms kept at their homes, were ready at a given signal to defend their cause. The Secessionists and Copperheads were also armed and in constant drill, awaiting the proper moment for seizing the state arms and buildings and for declaring California out of the Union.

In Stanislaus, a strong Democratic county, it is said that

a company of men drilled openly and boasted that they were going to fight for the South.

David S. Terry fought in the army of the Rebellion, and left his family in Stockton to be protected by Union men—a rather remarkable circumstance. Men of principle at once took sides, and flags were flying all over the city.

A teamster drove out of the city, July 19th, with eight mules, and each mule was the bearer of two flags. Two months previous to this, a letter was received here from Tennessee having in the corner of the envelope a miniature Confederate flag. Soon after Union envelopes were abundant in every quarter, but the C. S. A. stamp was scarce.

July 4, 1861, was the day chosen by the Secessionists for defiantly waving in the faces of Union men the Confederate flag. Early in the day multitudes from the country, unconscious of the threatened event that might have cost many a life, came pouring into the city. The city was literally robed in flags, and rosettes and badges were on children, men and women, and ladies were even dressed in red, white and blue. Horses were fastened to their engines, the firemen marching ahead. The military in their armories were given three rounds of ammunition, and as the procession marched along Weber avenue all eyes were turned toward the Eagle Hotel, for it was said that Miss Davis would appear and wave the Stars and Bars. Either from advice of some friend or through fear of the consequences, she failed to appear, and the Union men were disappointed. On the morning of that day, at sunrise, as was the custom, Mr. Harris, the sexton of the South Methodist Church, commenced to ring the bell and was ordered by the pastor, Mr. Fisher, to stop. The door was then locked. Young Harris, going over to the shop of Stephen Davis, told him of the affair. Davis quietly remarked "Hold on a minute until I raise my flag and I guess we'll ring the bell." Finding the door locked they climbed through the window and commenced ringing the bell. Immediately the pastor hastened over from his residence and attempted to stop the bell by hanging to the rope. Davis,

tired of this foolishness, caught the rope around the wrist of the minister and tightening it soon compelled him to desist, and he left the church. This little incident created great excitement, and threats were made by the disloyal that the bell should not be rung at sunset, it being reported of Thomas Laspeyre, that the man who rang the bell would walk over his dead body. The Union men were determined that the bell should be rung or the church be blown down.

Mr. Davis determined to ring the bell and concluded to get the consent of the trustees. E. B. Bateman gave his consent, but the others could not be found. As the first tones of the sunset bell were heard, a large crowd assembled, among whom was Laspeyre, who, by threatening language, attempted to stop Davis from ringing the bell. His attention was soon taken up by Wm. Coombs, and the bellringer enjoyed his victory. During the day a cannon had been quietly placed in William P. Miller's shop and in the excitement it was drawn on the street, loaded and facing the church. As the sun passed from sight, the bells one after another ceased their pealing and the old cannon sent forth its parting salute to the victors of the occasion.

June 15th the first Union convention was held and a long series of resolutions passed denouncing the South for trying to destroy the Union, asserting that neutrality was cowardice, and, saying that though anxious for peace they were loyal to the Union, they appealed to the people to stand by the "great Union party of California."

July 20th the Democrats in convention denounced the Republican party, and accused them of destroying civil liberty and of causing the war.

September 2d thirty-eight business firms who were Democrats renounced the Democratic party and supported Leland Stanford for Governor, giving as their reason that the Republican party was the stronger and less liable to cause any injury to business.

The county vote for Governor was:

Stanford.....1,872
Conness..... 407
McConnell.....1,687

For Senator:

C. H. Chamberlin (Republican).....2,069
W. D. Aylett (Democrat).....1,616

The day was won. San Joaquin became the banner county of the state, and she still leads with the Republican ticket.

September 8, 1861, some patriotic person, at the risk of his life, climbed during the night to the dome of the Court House and hoisted an American flag on the flag pole.

September 29, 1861, secession flags were during the night run up on the Court House, the Weber Engine house and Captain Weber's flag staff, creating a strong hanging excitement. Other flags of this kind were raised at different times and were generally captured.

After the outbreak of the Rebellion instructions came from the Secretary of War to organize regiments of infantry in California. Captain Connor had received and accepted a commission as Colonel of one of these regiments, and September 16th a recruiting office was opened in Agricultural Hall. October 1st the recruits went into camp three miles south of the city and called it Camp McDougall. Quite a number of Stocktonians joined this regiment, among whom were: Dr. R. K. Reid, Surgeon; John A. Anderson, Chaplain; Captain Ketchum, Captain of Company A; Richard Condy, leader of regimental band; Charles Bray, musician; Sol. Pearsall, butcher; Joe Horsley, as a private soldier, and others.

Company A left the first, starting for Humboldt to fight the Indians, October 21st. November 4th Companies B, C and D were ordered to the same destination, and November 20th the rest of the regiment was ordered to Benicia.

Before leaving, the citizens of Stockton presented Colonel Connor a horse, dragoon saddle and bridle valued at $625. The gift was highly prized and well merited. In 1862 the Third Regiment California Volunteers were or-

dered to Stockton and pitched their camp in the present Agricultural Fair grounds, and made a handsome appearance in the procession July 4, 1862. Soon after this they were ordered to Salt Lake to keep in subjection the Mormons, and on the morning of July 12th started on their long and tedious march.

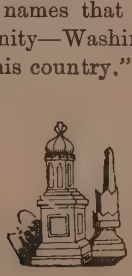
The Sanitary and Christian Commissions had their branches in Stockton, and thousands of dollars were collected and many bundles for the hospital were sent East.

On July 4, 1864, a fair was held and the famous Gridley sack of flour was sold, which realized in this state hundreds of dollars for the fund. There were also sold two beautiful quilts that afterwards covered the bed of Abraham Lincoln.

The 4th of March, 1865, again found Abraham Lincoln in the President's chair. The war was nearly finished and there were prospects of an early peace. The citizens had been rejoicing over the victories of the Union army, when the news came on the morning of April 15th that the President had been assassinated at Ford's Theater on the evening before.

When the news was received a deep gloom settled on all. Groups of men were seen standing on the corners with pale cheeks and tearful eyes, discussing the act and the probable consequences on the nation. Business was suspended; public and private buildings were draped in mourning, bells were tolled and flags were hung at half mast. The following day—Sunday—the churches were all draped in mourning, the choirs sang funeral music and the pastors preached impressive discourses. Monday and Tuesday a funeral pall hung over the city. Secessionists secretly gloried in the deed, but kept aloof from general society, as Union men were in that state of sadness and revenge that a dozen words derogatory to the dead would have been the cause of a terrible outbreak. Wednesday, April 19, the day appointed for the funeral of Lincoln in Washington, was as still as the grave. Crowds came in from the country, and more than 800 small badges were counted, bearing the portrait of Lincoln, and the words "We loved him in life, we

mourn him in death." From sunrise until the moving of the procession half-hour guns were fired by the Stockton Light Artillery. The catafalque was drawn by four black horses, with colored footmen at their heads. Long before the procession arrived at Agricultural Hall, it was filled to overflowing. The exercises were opened by the band playing "Rest, spirit, rest," followed by a deep-felt, impressive prayer by Rev. J. G. Gassman, and a hymn by the Presbyterian choir, "Sweet is the scene when Christians die." One of the most eloquent orations ever delivered in Stockton was then spoken by Rev. C. R. Hendrickson; the text was in 2d Samuel, 3d chapter, 34–38–39 verses: "As a man falleth before wicked men, so fallest thou. And all the people wept again over him. And the King said unto his servants, 'know ye not that there is a Prince and a great man fallen this day in Israel.' The Lord shall reward the doer of evil according to his wickedness." During the oration the reverend gentleman said: "The beauty of Israel is slain upon the high places; how are the mighty fallen! Let the heavens be darkened; let the ocean play its mighty dirge upon the eastern and the western shores; let the winds catch up the mournful strain and bear to heaven the *miserere* of a nation's grief. Our country has a high destiny. Her work is not yet finished. She has a grand mission to fulfill. Standing in the front rank of nations, her flag resplendent with beauty, high in the heavens, she will lead on the world to peace and liberty and the righteousness of the millennial age. Then, among the names that were not born to die, will stand in eternal unity—Washington, the father, and Lincoln, the savior of his country."



CHAPTER XXI.

STOCKTON JOURNALISM.

The press is subservient to the people, the educator of society and the creator of public opinion. It is even more than this, for its teachings go broadcast throughout the land and its principles are either elevating or pernicious. Following closely after religion it becomes the third great essential in the wants of man.

The press marched to the West with the pioneers and first published the news in Monterey in 1846. Semple & Colton issued the first number of the Californian in August, 1846. The press upon which the paper was printed was taken to Yerba Buena in May, 1847, and the Californian was again published until April, 1849. It was then taken by Edward Kemble to Sutter's Fort, and in April, 1849, appeared the Placer Times. This paper was a failure and the press was again shipped to San Francisco. Enterprising men were on the coast and this traveler was not allowed to remain idle. Samuel C. Upham had written to Captain Weber, February 4, 1850, asking him if it were feasible to establish a weekly paper and job office in Stockton, the paper to be neutral in politics and devoted to the rights and interests of California. His prospective enterprise was too late, for Dr. Radcliff and Mr. White were already negotiating for the publication of a newspaper in Stockton. Upham then went to Sacramento, and in April, 1850, began the publication of the Transcript. The population had increased so rapidly in 1850, that a promising field was opened here for journalism.

White and Radcliff had come to California from England during the gold excitement and concluded to become partners and publish a paper.

They had no experience, White being only a type setter, and Radcliff was a man of capital and a doctor of medicine. Radcliff, about the same time, opened the Stockton Hospital, which he afterwards removed to the northwest corner of Market and Centre streets, and the French Dr. Levisnes

became his partner. Mr. Byron Gallup, hearing of the enterprise, at once applied for a situation and was employed at a weekly salary of $50, a sum none too large, for he was a practical printer in all its departments, and was the only one in the city who could issue the paper. The Ramage press was purchased and shipped to Stockton. The next step was to find paper. They had sought for it in all the stores in San Francisco but had failed to find that indispensable article. Not in the least discouraged, Dr. Radcliff, on their return with the press, concluded to search in the store carried on by him and White and see if there was not something that would answer the purpose until paper could be procured. After much delay, trouble and unwritten English, they found a parcel of foolscap paper which they had brought with them, and their success was assured. Renting a small building on Centre street where Inglis' bakery now stands, the press was set up and the Stockton Weekly Times was issued March 16, 1850. The first number was a small 12-column, 16x20 inch sheet and the terms were 25 cents per copy, or $12 a year, in advance. Advertising rates $4 for six lines first insertion; each subsequent insertion, $2 in advance. John White was the editor and in the first number treated such topics as these:

"Routes to the Southern Mines;" "The Mines;" "An Act to Supersede Certain Courts;" "Rich and Important Discovery of Gold;" "The Sonorian Lump of Gold;" "The Markets—Current Prices." From the latter column we find the following as the price list for common goods:

Pilot Bread	8 to 11c ℔ lb
Candles	$1 50 to $2 ℔ lb
Dried Fruit (all sorts)	50c ℔ lb
Flour (Chile)	$10 to $12 ℔ cwt
American Flour	$20 ℔ bbl
Sugar	30@35c ℔ lb

The first editions were eight pages, and the first, sixth and eighth pages were devoted entirely to advertisements.

We find the following among the first advertisers: Davis & Smith, wholesale merchants; Marshall E. Nichols, auctioneers, Buffington & Lum, house carpenters; Alhambra Bowling Alley; The American House, etc.

When Stockton was first inhabited it had a rival for the supremacy of the valley in Tuolumne City, and the Times having a policy in business, though claiming neutrality in politics, issued their weekly number of May 28th, as The Stockton Times and Tuolumne City Intelligencer, expecting by this policy to carry water on both shoulders and settle eventually in the more populous city.

In May the postmaster gave them a "fat job" in the publication of the list of uncalled for letters. They had no rival to bid for this job, but one appeared in the following June. This letter list was very long, embracing letters addressed to individuals in all parts of the Southern mines. There were eight columns, two rows of names in each column and 70 names in each row, many of the parties having four or five letters addressed to them.

July 6th, the Times appeared as a four-column enlarged double sheet, printed on a new iron press, and the old wooden press started again on its travels. It was taken to Sonora and the Sonora Herald appeared. Soon after the Columbia Star was printed upon the same press, in Columbia, and here it was destroyed by fire; $375 of the purchase money remaining unpaid, the one to whom the money was due attached it, and some one set fire to the wood and it was destroyed.

In its salutatory the Times defined its position as neutral in politics and devoted to the interests of the inhabitants of Stockton and of the Southern mines. It was forced to define its political position by the publication of a rival journal. They continued as a tri-weekly sheet until April 26, 1851, when their valedictory appeared: "With the present number our connection with this paper will cease. A Democratic organ of a larger size will be issued under another name, on Wednesday next. May the old press in its new duties "*vivat in æternum.*"

The Stockton Journal, whose history is dyed in blood, was established in 1850. In the Spring of that year John S. Robb, an enterprising, talented printer, came to Stockton, and built a three-story frame building where Kidd's paint shop, on Main street, now stands, and issued the first number of the Journal June 22d. The paper was sixteen columns, double-sheet, and was published in the third story of the building, and the printers at their work thus had a fine view in every direction. The Journal espoused the Whig cause, and there being Whigs in the Council, the city printing was given out to the lowest bidder. Then there was a continued newspaper war until 1851, when Robb became a member of the Council, and then he received the city printing, leaving the Times to lament over the misfortunes of Democracy. In the fire of May 6th, 1851, this building was destroyed. Seeing that it was doomed, Mr. Gallup then employed in that office setting type at $1 per thousand (present price forty cents), hastily took apart the press, and thus the materials of the office were saved and removed to a small building on Main street, opposite the Court House. There they published a steamer edition, semi-monthly, on the day previous to the sailing of the ocean steamer. In the issue of Saturday, October 18th, they published the rascality of the County Judge, Benj. Williams, and gave the credit of the revelation of his crimes to Messrs. Terry and Perley. They also had one and one-half columns about their shooting fracas with Mr. C. C. Gough, the District Attorney, when he objected to their criticism of his conduct in failing to convict the Judge. J. S. Robb was brave, as well as eccentric, and being a citizen (Dr. Radcliff and White were aliens), he used plain language, and handled the gamblers and blacklegs in a severe manner.

In 1853 Robb sold out to John Taber, enlarged the paper to twenty-four columns, and began a daily publication. "From this office was issued the first semi-weekly in Stockton. From that he ventured a tri-weekly," and, as he says in his own columns, "at length we have accom-

plished our ambition's desire, to be foremost in giving Stockton her first daily issued within her limits. We have been well sustained by the community, and if the same exertions can serve to secure us a continuance for the future" —the future. Ah, who can foretell the future? In less than a year after he penned those lines he was under sentence of death for the killing of Mansfield, the proprietor of a rival paper over which he was boasting, and the Journal passed into other hands.

The San Joaquin Republican, the name taken by the Times, failed to appear for two weeks after it was announced. The Republican office had been removed to the corner of Centre and Market streets, and being in the line of the fire, came very near being destroyed. Some of the type was lost, and the press was damaged.

It made its appearance May 14th in a highly demoralized condition, being printed in two different sizes of type. The issues were every Wednesday and Saturday; the price, $12 per year; single copies, 12½ cents. It was a great improvement upon the Times; it was free from all coarseness and insulting epithets.

On Wednesday, May 28, 1851, they flung to the breeze the Democratic state ticket, and headed their columns with a sentiment that remained until July 2, 1861, "Democracy—A sentiment not to be appalled, corrupted or compromised. It knows no baseness, it cowers to no danger, it oppresses no weakness. Destructive only of despotism, it is the sole conservator of liberty, labor and property. It is the sentiment of freedom, of equal rights, of equal obligations; the law of nature pervading the land." This paper was owned by George Kerr, but was edited by W. D. Root, who had formerly been on the Times, A. C. Baine, a strong advocate of states' rights, and A. C. Bradford. This paper soon became one of the influential organs of the Democracy.

In 1852 this office published a small book, called the "Stockton Directory and Emigrants' Guide." It contained 140 pages, two-thirds of the contents being advertisements, and was sold for $1 a copy.

In June, 1853, the Republican became tri-weekly, and was removed to the Weber House, and in December it was published as a daily. January 18th, 1854, George Kerr sold his interest to J. Mansfield, H. C. Patrick, J. B. Kennedy and James Conley, now a type-setter in the Bulletin office, San Francisco. George Kerr sold on account of failing health, and he died March 6th. He was born in Pennsylvania, and from the date of his arrival in California, in 1850, was connected with the California press. In 1852 he was elected State Printer, which office he held until the time of his death. After his death the Republican was in a sea of trouble. Its pilots were rash, obstinate and without judgment, and were finally wrecked on the shoals of disunion. Taber having killed Mansfield in a political fray, a printers' league cleared the criminal, and the Republican accepted the issue in silence.

Mansfield was born in Boston in 1825, and resided in that city until 1848. The gold fever brought him to California in 1849, and he came to Stockton to reside in 1851, where he remained until his death.

Again was the Republican in black for its second proprietor, and the partnership took a new form under the firm name of H. C. Patrick & Co. In July the Republican was again a tri-weekly, published on alternate days with the Argus. This was the reason assigned, but the true reason was the lack of patronage, as the Republican was foreshadowing a course unpopular and disloyal. In December, 1854, it was issued daily, except Mondays. In 1856 the Republican pursued a course that eventually led to failure, in advocating the principles of the Law and Order party, in the affair which was the cause of the killing of James King of William. "The advertising and subscription lists were almost totally destroyed in a few days, and the paper received a shock from which it never recovered," so strongly were the citizens in favor of the acts of the Vigilance Committee.

Mr. A. C. Russell, who had formerly been upon the editorial staff of the Evening Picayune, in San Francisco,

now took charge of the paper until 1858, when he assumed editorial management of the Statesman, at Sacramento. Mr. Russell was too partisan in his views and writings to gain any Republican strength for his paper, and he retired in 1858, to give way to Beriah Brown. He was much worse in his management than Mr. Russell, being bitter and vindictive against the Republican party and the administration. In this office at the time was a young gentleman named Wm. Harper, of strong Republican proclivities and good judgment, who tried to persuade the proprietors to change their policy; but they were stubborn, and under the management of Brown the paper was suppressed by order of the government. By means of a compromise they were again allowed to publish the paper, and the tone was changed from that of a roaring lion to that of a fawning wolf. It could not regain its patronage. It was then removed to Sacramento, and failing there to receive any support it expired.

In 1869 it was again started in Stockton, by Mr. H. C. Patrick, with J. M. Bassett as editor. It only lived two years.

It had a large patronage until 1856, and was a first-class paper. In refusing to yield to the pressure of events it fell, and in falling it had the satisfaction of knowing that it had never forsaken true Democratic principles.

The Stockton Evening Post was started in the spring of 1854, by Wm. Biven as editor and proprietor, and it advocated the Broderick wing of the Democratic party. The paper was published on Centre street, near the levee, and continued until the killing of Mansfield, when Biven and Henry A. Crabb purchased the Journal material and removed both offices to the two-story brick, on the former location of the Journal office, and on June 6th, 1854, the Stockton Daily Argus appeared. The history of this paper, and the singular course pursued by its editor and proprietor is well-known. Changing and drifting from one party to another, he was anything, everything, nothing. Its first policy was that of the Know Nothing party.

In October, 1856, it became the organ of the Republican party, supporting Fremont for President. In 1858 it espoused the cause of Broderick, and in its leaders most unmercifully lashed his slayer in such sentences as these: "Mr. Broderick, it is said, fired first. In fact, it is admitted, we believe, that the early discharge of his pistol was accidental, owing to the fact that the trigger was finer than he was accustomed to use. Therefore, all that Judge Terry had to do was to deliberately kill him." "It is true there was an opportunity for Judge Terry to act with magnanimity, but as he was not called upon to do so by the code, and as that is paramount to Divine law and true Christian morals, he refused to accept the opportunity." "Broderick dies; but his struggles on behalf of the people will prove no failure." "In viewing the deep sympathy for the departed, how much better is it to be the dead Broderick than the living Terry." "He rests in peace while the one who compassed his death is a wandering fugitive upon the face of the earth." "The last words of Senator Broderick: 'I die to protect my honor.'"

In 1858 the Argus again changed its course, and became an organ of the Douglas party. Soon after he employed Mr. A. C. Russell, an anti-war Democrat, to edit the paper, and it became strongly disloyal in its views. It condemned the administration and all its acts, and as its editor has since said, "proceeded to assert and maintain its views with more vigor than discretion." It continued to utter treasonable language until September, 1862, when it was suppressed by order of the Secretary of War.

Another paper that fell at the same time was the Stockton Weekly Democrat. This paper had been established in 1857 by Rasey Biven, August 15, 1858; he sold out to his brother William, who assumed control and changed the politics to Douglas Democracy, it having been before this the organ of the Southern Democrats.

The Pacific Observer is the only religious paper ever published in Stockton. It was the organ of the Cumberland Presbyterian denomination. In November, 1868, it

was published on Sutter street, having been removed from Alamo to Stockton. Its patronage was not what the publisher expected it would be, and he again moved to greener pastures in a few years.

The Stockton Daily Independent is the largest paper in the Southern District, and is the organ of the party that gave it power and success.

In 1861, when secessionists were boldly threatening to carry California out of the Union, the Republicans had no paper to advocate their principles. The Republican and Argus were both Democratic, and were controlled by the secession element. In a small mining camp in the foothills was a weekly 24-column paper published by George Armor and O. M. Clayes. This paper had been started in 1856, by the miners in San Andreas, for the purpose of advocating certain water measures, the paper being managed by George Armor. The miners controlled the paper only three months, when it was sold, January 17, 1857, to Armor & Kooser.

Benjamin P. Kooser was a representative printer of California, and one of those men whom society mourns at their death. He came to California in 1847, and was employed on the first State newspaper at Monterey. He was among the number that left Monterey for the gold mines, leaving the Californian to publish itself. Soon after this he came to Stockton and was employed on the Republican. He commenced writing letters under the *nom de plume* of "Don K." He entered into partnership with Armor. In 1858 he came to Stockton again and became a partner in the Republican, and remained here until the removal of that paper to Sacramento. He remained in San Francisco until 1865, when he went to Santa Cruz, and again, in company with H. C. Patrick, published the Santa Cruz Sentinel. He continued in Santa Cruz until the following telegram was received in Stockton by R. E. Wilhoit, Esq.;

"Jan. 1, 1878.—B. P. Kooser died at 1 o'clock to-day.

"H. C. PATRICK."

Thus passed away one whose writings and pure moral life endeared him to all as society's benefactor.

Mr. Kooser's departure from San Andreas induced Mr. O. M. Clayes to purchase his interest in the mining paper, and in April, 1857, the firm became Armor & Clayes. They little thought that in 1862 they would be leading the Republican party of San Joaquin to victory and bidding defiance to secessionists and copperheads. In October of that year they secured the services of Samuel Seabaugh, a man of brilliant mind, deep knowledge, keen reasoning powers and a far-seeing judge of events. Armor was little disposed to interfere with politics, but his partner was persistent, and, as is generally the case, the stronger will ruled the weaker, and the paper advocated the Douglas Democracy. When the South fired on Sumter, that unknown mountain paper, fired like the Northern Democrats with love of country, called the Southerners rebels. It raised a great commotion in Calaveras county, but it was the making of the paper, and the turning point of its existence. The Republicans of San Joaquin being determined in their views, learning of this paper at San Andreas, induced the owners of this paper to come to Stockton and accept the new field. They came, and published their first paper August 16, 1861. They immediately advocated the cause of the Republican party and it at once came into popularity, taking the position the San Joaquin Republican might have held had it been under proper management. In 1856 Mr. John Geddes became the local editor, a position he has held up to the present time without any rest or relaxation of his labors. Sometimes during the past four years he has acted as local and editor-in-chief. He is of Scotch descent, full of wit and sound practical sense. Mr. D. S. Peters came into the firm as a silent partner in 1863, and in December 1864 Mr. Armor retired, and the firm was known as O. M. Clayes & Co. October 16th, 1865, the entire firm changed hands, the purchasers being N. E. White, Charles M. Clayes and A. C. Beritzhoff, under the name of N. E. White & Co. Mr. Clayes pur-

chased an interest in the San Francisco Alta, and removed to San Francisco, taking Mr. Seabaugh with him.

From the second issue of the Independent to the close of the war, Sam. Seaaough hurled shot and shell into the rebel camp and did splendid service for the Uuion cause. In July 1867 the proprietorship was then changed and known as the Stockton Independent Publishing Co. This company continued until April 1869, when N. M. Orr and A. C. Beritzhoff bought the paper. This partnership lasted for over five years, when Major Orr became sole owner and publisher. Major Orr soon became a proficient journalist. Since the departure of Seabaugh the paper has had no regular chief editor, and those who have been employed have acted often as local and editor-in-chief. From the first a weekly paper has been published. It is now an eight-page, six-column paper. The daily is a thirty-two column, four-page paper.

About two years after the purchase by Major Orr the hard times cry affected the paper and it commenced falling behind. In 1879 Messrs. Worley & Milne took charge of the paper as owners and publishers. These gentlemen had both been in the employ of the San Francisco Bulletin for many years—the former as editor, the latter as foreman. Under their management the paper is very much improved in appearance and in news. Under their control it is to be presumed that the paper will steer clear of the shoals that have been the causes of so many changes in the proprietorship of the Independent, and will increase in usefulness and demand in proportion to the growth of the surrounding country.

The Daily Evening Herald was started in July, 1865, by Wm. Biven. Although the government could suppress the Argus, it could not suppress the active perseverance of Mr. Biven, its proprietor.

Having been both Democrat and Whig, he now resolved to steer clear of party issues and pursue a neutral course. Many changes took place in this paper. In April, 1869, the paper was enlarged from twenty to twenty-four col-

umns. September 13th Mr. Biven purchased the material of the Daily Gazette. In January, 1870, the paper was enlarged to a 28-column paper, but was reduced in size again in 1872. In November, 1872, the firm took the name of Glenn, Stevenson & Co., the partners being Wm. Biven, Wm. N. Glenn and R. W. Stevenson. The cause of this change was that Biven wished to retire from newspaper work and engage in something else. The new management was a failure, and Biven in his new business was also a failure, and in February, 1872, he again assumed control. The paper never had paid, its proprietor was in debt, liable to collapse, and in January, 1875, he was obliged to call in outside help, and the paper passed into the hands of a company, called the Daily and Weekly Publishing Company, composed of the following men: I. S. Davis, J. A. Morrisey, Charles Haas, Joseph Cole, L. B. Walthall, P. D. Wigginton, Wm. Biven, Thomas E. Ketchum and J. W. Hitchcock; Biven acting as manager. It was Mr. Biven's custom to take a horseback ride every morning. On the 9th of May, 1875, he started to ride, but never to return. He was found dead in the eastern part of the city. As he was a poor horseman, the pony probably shied at something, and Mr. Biven was thrown, and in falling struck upon his head and his neck was broken. By his death the paper again changed hands, and was purchased by Messrs. H. S. Spaulding, W. G. Atkins, W. T. Compton, Frederic Biven and W. S. Johnson, the firm name being H. S. Spaulding & Co. Fred. Biven, son of the former proprietor, became sole owner in 1875, and reducing the size from thirty-two to twenty-eight columns, he employed A. C. Russell to manage the paper in the interests of Democracy. Fred, having been trained from boyhood in the office, would have succeeded in establishing the paper upon a sound basis in course of time, but being naturally too good-natured and lenient for a newspaper man, wisely concluded to sell out on the first opportunity. In January, 1876, the paper was purchased by B. T. K. Preston and C. V. Bell, and since that time it has been

conducted by them. They had a herculean task before them in building up the Herald, and well have they succeeded. They at once espoused the cause of Democracy, and by close attention to business, live, readable locals and well written editorials, have established a paper that is now solid and an honor to the Democratic party of San Joaquin.

The Stockton Daily Gazette was a Democratic organ, started in 1864, by C. M. Harrison and C. G. Miller, both practical printers. Its first editor was C. D. Campbell. In 1867 P. L. Shoaff bought Miller's interest, and under the editorship of Mr. J. W. Leigh, the paper seemed to merit success. Mr. Shoaff became sole proprietor in August, 1868, but failed to make it pay, as the city was not large enough to support three daily papers Becoming involved, he sold to Mr. D. W. Gelwicks. Mr. Gelwicks was State Printer. Mr. A. C. Russell was editor. Gelwicks did not attend to the business properly, and the paper in 1869 ceased to exist.

The Temperance Champion was the organ of the Champions of the Red Cross, and made its appearance in May, 1873. It was an eight-page, four-column monthly, and ably edited by the Rev. C. V. Anthony. The paper was published by D. H. Berdine, and was sold in February, 1874, to a San Francisco firm, to be published at the Champion headquarters.

Narrow-Gauge. In 1873 there was much talk about narrow-gauge railroads, and Stockton caught the fever. Mr. W. N. Glenn, believing that he could make money out of the enthusiasm, started in June of that year a paper with the above title. To make this paper still more popular, he engaged Mrs. Laura De Force Gordon to edit a "Woman's Department" in the paper. Whether the Narrow-Gauge was off the track, or the Woman's Department was too heavy is not known, but it soon expired.

The Daily Morning Courier was published in August, 1873, with W. F. Beckwith as chief editor, W. H. Roberson, local, and W. D. Root manager. It was a "Dolly Varden" sheet, and died, with its party, in two months.

The Daily Leader was first published in September, 1873, by Mrs. Laura De Force Gordon. She is one of the strongest advocates of female suffrage in California, a woman of bright intellect and manly ambition, a practicing lawyer, and a persistent advocate of her principles.

This semi-literary paper, meeting with success, on account of its novelty, the pretty editress was induced to venture another, and, purchasing the material of the old San Joaquin Republican on the 1st of May, 1874, she issued the Democratic Daily Leader. In the campaign of 1875, Mrs. Gordon made several stump speeches, advocating the election of a lady for County School Superintendent. The State ticket being elected, Mrs. Gordon removed the Leader to Sacramento, and afterward sold it.

The San Joaquin Valley Times, a 16-column paper, was started in January, 1874, by Fred. Severy and H. Detten, but its life was very short.

The students of the High School, in the winter of 1876, concluded to publish a manuscript paper for their own amusement. By the advice of older persons, they decided to have a printed, instead of a manuscript page, and to issue it monthly.

In January, 1877, it appeared, neat in form and size, and Masters A. H. Chaplin and Frank A. West and E. P. Dennett were the publishing company, and F. A. West was business manager.

The cost of paper and printing was met by a few advertisements. In 1878, Mr. James M. Littlehale, a graduate of the class of 1871, assumed the editorship, the paper was enlarged to a double-sheet, and the subscription price was set at $1 per annum. F. A. West still retained the business management. This paper contained many interesting literary and miscellaneous articles, and was devoted almost entirely to the interests of the public schools, and the young men who started it, and those who carried it on, deserve much credit. At the close of 1878 they had become tired of the work, which demanded so much time and paid nothing, and the paper would have been discon-

tinued had not two of the teachers, Mr. Waterman and Mr. Ritter, assumed the management January 1st, 1879. The paper has done much good in the schools, and with proper support and patronage from the parents, might be made still more successful.

Mr. Ritter soon lost his interest in journalism, and it fell to the lot of Mr. Waterman to carry on the enterprise. He writes in an interesting, convincing style, and his articles are all well selected.

The Stockton Banner is a paper printed one-half in German and one-half in English. It was started in August, 1877, and is published by Adolph Glaser. It is a well written, successful journal, and is liberally sustained, when we consider that there are but few Germans in Stockton.

It advocates the immigration of Germans to San Joaquin county. Such a course is to be commended, as there are no better citizens nor more successful farmers than the industrious German.

The Stockton Advertiser was born May 26, 1877. It was a Republican campaign paper, and, accomplishing its mission, passed away February 16, 1878.

The Workingman was another campaign paper that began life in April, 1878, and lived only two months.

The Commercial Record is a small weekly sheet, and until recently was distributed through the city and county free. Recently it has been enlarged, and a subscription price of $1 per annum is charged. It was started by William Denig, as an advertising sheet, and is mainly sustained by its advertisements.

Journalizing in a new country has its successes and reverses, according as it meets with popular favor, for the population being small, it must cater to the majority. All through the history of papers in this city we have seen them spring up like mushrooms, and die out, because they were not in popular favor, and had not the capital to make popularity.

Nothing undaunted, Mr. Edw. Colnan, a Stockton boy who had been away for many years preparing himself for a

Robt. K. Reid. M.D.

journalist, returned, and was employed to write up the New Year's number of the Stockton Herald, and observed that there was a fine opening for a live paper. The result is a copartnership of D. H. Berdine, E. Colnan and J. E. Nunan, in the publishing of the Mail.

The Mail made its appearance in February, 1880, and is a thirty-two-column sheet, having been enlarged in April. In politics it is neutral, and in style sensational, burlesquing society and distorting facts. It is a new style of journal for Stockton, and, on account of its novelty, is meeting with success. In solid worth it is lacking, and will, doubtless, soon follow many of its predecessors.

THE HOME OF THE AFFLICTED.

The history of any insane asylum can never be read with pleasure, for it is the history of wrecked minds. The history of the California insane asylum is of more painful interest than common, because of the circumstances surrounding each case and the shattered intellects that lie within its walls. The slow, sluggish mind seldom rises to any prominence in society or becomes insane. It is the quick, active, impulsive brain that makes its mark, or becomes diseased. Through want of care, long continued strain in accomplishing some one object, and sudden reverses, overwork and anxiety and sometimes disease, the mind fails to obey the dictates of the will and the reason is dethroned. The life into which every pioneer was ushered when he entered this State was one of excitement and trouble, and many of them, through disappointment, loss of fortune and relatives, gambling, disease and exposure, became insane and were confined in different portions of the State. It was soon found necessary to provide some more suitable accommodations, and the Legislature, in May, 1851, passed an act providing for the establishment of a "State General Hospital." A Board of Trustees was appointed, and they organized by electing Nelson Taylor President; Saml. Purdy, Vice-President; W. A. Root, Secretary and Treasurer. H. A. Crabb, J. F. Murphy and George Brush, also of the Board, were authorized to select a suitable location

for the hospital. Hospitals had been established in San Francisco and Sacramento, the Marine Hospital being still in existence. The offices of President and Visiting Physician were created, and Dr. R. K. Reid and Dr. R. P. Ashe, both Democrats, were appointed. We have given the political sentiments of these physicians, as politics has an important bearing all through the history of this institution.

The Board found a suitable building on the northwest corner of Centre and Market streets, and Dr. Reid was placed in charge of the thirteen patients then in Stockton. This was a large two-story building, and had been used for a saloon, ten-pin alley and lodging house. Better accommodations were soon required, and in November, 1851, the hospital was removed to the Stockton Club House. Population continued to flow into the State, and every thousand brought physical and mental disease, and the insane increased so rapidly that accommodations could not be provided for them. Every building from Centre to El Dorado was filled with them. Sometimes they were chained in the yard, there being no room inside for them. This condition of the unfortunate ones called for immediate action on the part of the Legislature. In their fourth session, in Benicia and Vallejo, in 1853, a law was passed establishing an Asylum for the Insane. The general hospitals were abolished, and all property belonging to them was to be delivered to the Trustees of the Insane Asylum. The Trustees, five in number, were to be appointed by the Legislature and have full control of all the affairs of the asylum. Section five specified that a resident physician should be elected by the Legislature in joint ballot, every two years, and that he should have a salary of $5,000 per annum.

Up to this time all the hospitals had been for the sick, as well as for the insane—San Francisco providing for the sick in the Marine Hospital, and the insane on board the brig Euphemia.

In 1852 the Legislature ordered all the insane in the State to be sent to the hospital in Stockton for treatment, and Dr. Reid had 134 patients under his care.

When the edict had gone forth establishing a State Asylum, Martinez and Benicia were each anxious to secure it, but Stockton, with the aid of Captain Weber, authorized the Mayor of Stockton to offer the State 100 acres of land, to be situated in or near the city, provided the same be used for the location of a State Insane Asylum—Captain Weber donating fifty acres, and the city fifty acres more. In selecting a location for a public institution a consideration of great importance is the healthfulness of the climate. In a letter written May 12, 1852, Dr. Wm. Ryer said: "This hospital, or asylum, must be located at Sacramento or Stockton. As miasmatic and congestive diseases prevail to a greater extent in Sacramento than in Stockton, and as the insane will be especially liable to such diseases, it is as plain as good sense and justice that the asylum should be in the neighborhood of Stockton." This young doctor may have been enthusiastic regarding the healthful qualities of the climate of this city, but what say the New York City Board of Health?

"In the annual tables of vital statistics lately published by the Health Department of New York City, among the exhibits is the comparative death rate of various cities, American and foreign. The exhibit gives the population and death rate of over three hundred and fifty cities in different parts of the world, of which sixty are American and the remainder foreign. It appears from the tables that the city of Burlington, Iowa, with a population in 1875 of about 20,000, enjoys the pre-eminence for health, its annual death rate being only 4.84 deaths per 1,000 souls. Stockton, California, stands next—7.47—but this is 62 per cent. more unhealthy than Burlington. There are probably a few, but only a few, more favored places than the latter in all the world. The death rate for New York City is 23.93 per 1,000; New Orleans, 50.71; London, 23.40; Paris, 24.71.".

The Committee on Location, appointed by the Legislature, reported in favor of Stockton in March, 1853. This report was adopted, and the Trustees advertised for sealed

proposals to build the south wing of the edifice. The plans were drawn by F. E. Corcoran, and the wing was finished at a cost of $33,000. In October the building was complete, and the patients were removed from their crowded rooms to their new quarters. To an observing person, the situation of this building is peculiar. The terms of the agreement between the city and State were that the buildings should be in the city. The south wing was, therefore, built on the last block in the northeast portion of the city, corner of Flora and Grant streets. The main building was built on the street, and the north wing outside of the city limits. At the present time the entire grounds are within the city limits. In December, 1853, there were 284 patients; 42 were insane from intemperance, 24 from disappointment, 20 from masturbation.

In May of the following year (1854) the committee found it necessary to erect the main part of the building, and let the contract to J. J. Dewey for $58,666 67. The main building, which is three stories high, cost $80,000. In 1855 the kitchen, dining room and other improvements were constructed at a cost of $15,000 more. These buildings, with the addition of a small wooden structure, containing twenty-nine women, in charge of Mrs. Masters, as Matron (now Mrs. Dr. Reid), completed all the improvements made during the Superintendency of Dr. Reid. Whenever practicable, the patients were employed in the garden, and the beautiful trees and shrubbery that now adorn the grounds were planted.

In 1856 the Democratic doctrine "To the victors belong the spoils," was illustrated in the vacancy of the Resident Physician's office. Dr. Reid had served faithfully and successfully, but the political wires had changed, the Know Nothing party was in power and the "Democrat must go," and give way to a Know Nothing physician. The Legislature being satisfied with Dr. Reid and Dr. Cowan, who had been appointed in 1853 (Dr. Ashe having been elected Sheriff), refused to make any change, and the Governor, by authority vested in him, declared the office

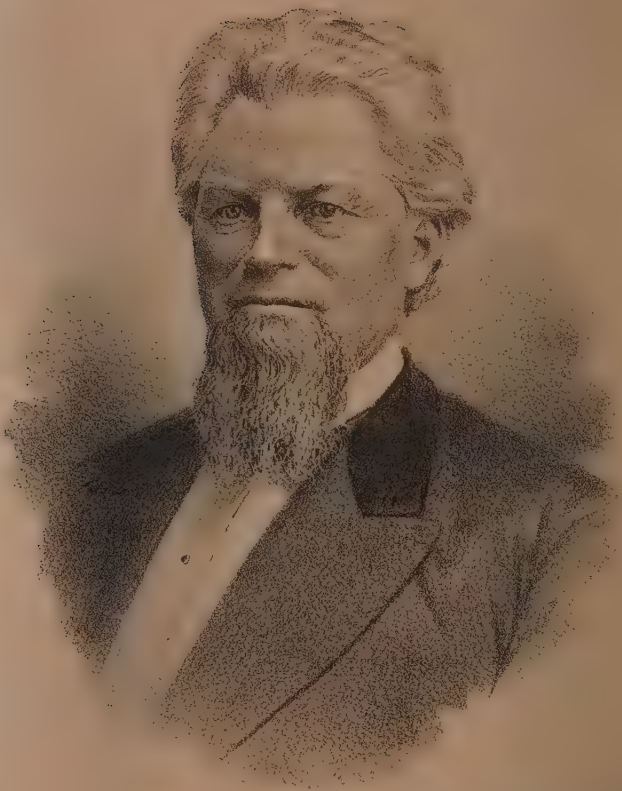
of Resident Physician vacant, and appointed Dr. Samuel Langdon to fill the vacancy. The change caused considerable stir in the State, and the Asylum trustees of 1856, S. A. Booker, P. E. Connor, Dr. C. Grattan, W. H. Lyons and A. C. Baine, met, and in a series of resolutions instructed the doctors "to discharge the duties of their offices and to wholly disregard any authority assumed to be delegated to others by Governor Johnson or any other individual or officer." Governor Johnson also appointed Dr. G. A. Shurtleff, John W. O'Neal, John R. Hobbs, John M. Buffington and R. Fowler, as trustees. The question at issue was this: "Has the Governor, by law, any authority to appoint a Resident Physician and a Board of Trustees for the Asylum, when their terms have expired and the Legislature has failed to elect?"

Judge Creaner, of the District Court of this district, decided that the appointments were illegal, but on an appeal to the Supreme Court, before Judges Murray and Terry, this decision was reversed and Dr. Langdon became the Resident Physician. Dr. Langdon held the office from April 1856 till August 1857, when, it again became a bone of contention. It was only two months previous to this election that Dr. Langdon fought his famous duel with Dr. William Ryer, on the evening of February 24th. Taking passage on the little steamer Gipsey, the principals and seconds landed in the vicinity of Rough and Ready ranch, and the principals exchanged three shots. The third shot fired by Ryer took effect in Langdon's knee, making a painful but not dangerous wound, and this sensational affair of "dishonor" was ended. The wounded party lived in good health to alleviate human suffering for many years, and died in Stockton twenty-three years after the duel, and in the same month of the year. Dr. Aylett, soon after the appointment of Dr. Langdon, claimed the office by virtue of an election by the Legislature, and Dr. Langdon held that his term of office did not expire until April. A suit was commenced in the District Court, and before the final decision was given Langdon held

the office four months over the time he claimed, and Dr. Aylett took charge August 13, 1857.

During this time the number of the insane had increased, and the north wing of the Asylum was built; also, the residence for the physician, two wards in the rear of the main building, and other necessary improvements, at a total cost of $96,100. August 20, 1861, Dr. W. P. Tilden became Resident Physician, on account of his strong Republican sentiments. It was during his term that the flag pole was raised on the spire of this Asylum, and on the morning of the 4th of July the citizens were surprised to see four long lines of the flags of all nations, reaching from the top of the staff to the ground, and the stars and stripes waving over all. These flags were made by the inmates, and every country on the globe was there represented except Secessia.

In 1863 the institution having become full and crowded, a special tax was levied for "the erection of additional buildings, yards, and other improvements," which continued at the rate of five cents on each one hundred dollars for two years—1863 and 1864. From the funds derived from this tax were erected, in 1863, the large second story of brick over the dining room and kitchen, known as the "sixth ward," the brick building designated as the "upper tenth ward," additional airing courts in connection with the old Asylum building, and wooden outbuildings; out of this fund also were purchased the two blocks of land adjoining the one on which stands the old Asylum building, one block east and one block west thereof. About $61,000 were expended in connection with the present male department. It was from this fund that the commodious new building for the accommodation of the female patients was commenced, and the first part, or transverse section of the south wing, including engine-house, stack, and temporary kitchen, was finished at a cost of $66,885 34. This part of the present new building was opened and 125 female patients were transferred thereto October 1, 1865, leaving about 45 still in one of the additions to the old



G. A. Shurtleff, M. D.

building, and emptying the entire north wing of the old building, to be occupied by male patients.

Dr. Tilden being an extremist in his views and measures, and being haughty and reserved in his manners and in social intercourse, was superseded in August, 1865, by Dr. G. A. Shurtleff, the present incumbent. The doctor held the office without prejudice or fear of being deposed until the election of Governor Haight. Then arose the cry, "to the victors belong the spoils." But the Legislature, deeming that the asylum should not figure in politics, and that the insane would be the best treated by those who knew by practice of the peculiar maladies of a diseased mind, refused to make any change. This same sound argument had been advanced in Dr. Reid's time, but the political excitement had subsided since then, and calmer judgment and sound sense prevailed. The following Democratic Legislature under Governor Irwin said that their predecessors had done well, and that they would let well enough alone. Then came a Republican administration into power, and as the physician is a Republican no change was necessary; and so wisdom in this respect has come into our legislative halls. For no change of government ever should take place in our asylums or courts.

Dr. Shurtleff has been resident physician for fifteen years, and during that time $245,000 have been expended in improvements. Besides these improvements a burying ground containing fourteen acres has been purchased for the burial of the patients, who die, on an average, at the rate of nine in a month. August, 1878, carried off twenty-one, while February claimed only two out of a total of 1,414.

The buildings are surrounded by trees, and there is a large vegetable garden and a dairy within the enclosure, where patients do all the work and supply the institution with all the vegetables, fruits, eggs and milk necessary for use. The only pleasing feature of this great prison is that all are well cared for.

We give the products for 1877-78:

Products of the farm, garden and dairy for the year ending with June 30, 1878.

Articles.	
Beets, pounds	38,980
Tomatoes, pounds	12,065
Turnips and carrots, pounds	75,224
Pumpkins and squashes, pounds	13,689
Beans and peas, pounds	7,081
Other vegetables, pounds	200
Other vegetables, bunches	1,625
Corn and cucumbers, dozens	3,615
Cabbage, pounds	49,873
Onions, pounds	22,393
Lettuce and cauliflower, dozens	2,722
Peppers and okra, pounds	1,165
Apples, pears, apricots and plums, pounds	18,038
Grapes, pounds	19,480
Hay, tons	150
Fodder, tons	15
Pork, pounds	11,684
Milk, gallons	8,904
Eggs, dozens	358
Chickens, number	37
Hogs sold, number	11
Pigs sold, number	60
Cows sold, number	4
Calf sold, number	1
Proceeds of stock sold	$813 81

The Pacific Asylum of Nevada is also located here.

The State of Nevada came into the Union in 1864, and its climate and barren waste was unsuited for the care of any insane in their midst, and arrangements were made with the State of California to provide for the insane of Nevada.

In after years as the number increased, arrangements were made with Drs. Clark and Langdon, both of whom had had experience in the care of insane persons, to provide for the insane of our sister state, Nevada paying so much for each patient. The doctors fitted up a building for this purpose in Woodbridge, and there kept their patients until 1877, when a much better location was purchased, and the institution was removed to Stockton in September.

This asylum is a brick structure, large and airy, and, surrounded with trees, will in a few years be a pleasant home

for the unfortunate people. The asylum is in the southwest portion of the city, and was formerly the Helvetia Gardens and half-mile race track.

CHAPTER XXIII.

EDUCATION.

To the pioneers, who planted the seeds of education in different portions of the county, are due the thanks of every parent and child, for founding a system of schools that are an honor to the State. The first public school was organized in Stockton, but being subsequent to the several private schools, we will first review the history of the latter.

Thirty years ago last May Mr. Charles Blake landed in Stockton, for the purpose of starting a private school, and to call attention to his object, he delivered a lecture on "Education," before the opening of the school. On his arrival he was referred to Captain Weber as the founder of the city, and a gentleman willing to assist any worthy enterprise.

Mr. Blake explained his purpose to Captain Weber, and he assisted by giving $500 towards the erection of a school house and taking charge of the work himself. This pioneer schoolhouse was a small wooden building, erected on the site of the Presbyterian Church, and afterward was used as the church parsonage.

This school was opened May 4, 1850, but was a failure for various reasons, but chiefly on account of the small number of children in the town. No further effort was made to maintain the school until the fall, when Mrs. J. H. Woods, the wife of the pastor, opened a select school on the site now occupied by Mr. J. Saltz.

In the spring of 1851 a school was opened by Mr. W. P.

Hazelton, who started it on his own resources, as he advertised, thus: "A free, or public, school will be opened in the Academy Building, where all orderly children of proper age (six years) may receive instruction free of charge."

This gentleman was fond of children, and it is possible that he was the "John Pounds" of Stockton. Dr. Hazelton afterwards laid down the ruler and was for many years engaged in the dental profession.

Mrs. Newman, an English lady who is still living in Stockton, was teaching in the South Methodist Church, and gave notice that she was prepared to receive a few lady boarders. This lady is the pioneer educator of San Joaquin county.

The next step made for the dissemination of knowledge was by the church, and here, as in all history, the church takes the lead in civilization. Hardly had the city government been organized, when the Methodist denomination established a school on the location of the present La Fayette school building. It was a building of one and one-half stories, and known as the Stockton Academy.

To the Methodist denomination belongs the high honor of sustaining the Stockton Seminary, the first classical school in the county. The Trustees of this school were: H. C. Benson, B. W. Owens, E. B. Bateman, R. B. Parker, V. M. Peyton, J. F. Lamden and J. C. Westbay. The school was for boys only. In October, 1852, this school had been removed to Sutter street, and girls were then allowed the privilege of attending. The Presbyterian denomination, not wishing to be out-done by their Methodist brethren, established a strictly sectarian school, the Trustees being appointed on the part of the church. Reversing the plan of the Methodistical Trustees, and adopting the strong feature of Catholicism, they opened the Presbyterian Church, then fronting on Main street, as the San Joaquin Female Seminary, on the 30th of August, 1852. The gentlemen appointed to guide the destinies of his school were: J. G. Canders, C. C. Rynerson, C. W.

Phelps, H. A. Crabb and Samuel C. Grove. In 1853 the number of children had increased, and the public schools were organized; but they mixed in the grades all classes of children, and the better class of people preferred private instruction for their children, and private schools were sustained liberally for many years.

Mrs. J. B. Saxton, who had come to this State with her husband, April 4, 1853, opened a private school in the Baptist church on Centre street, and Mrs. Woods, preferring a private to a public school, opened a select school June 13, 1853, in a building where the Washington school building is now located. A select school was opened in the Henrietta House by D. Morris. The school taught by Mrs. Woods was afterwards taught by Miss Mary Kroh, and in July, 1855, by a Miss Hutchinson.

In September, 1858, Dr. Cyrus Collins started a project to build and establish a seminary of learning, where scholars from city and country might have the advantages of a higher education than that taught in the public schools. The project was successful, and a large brick building was erected on Hunter street between Fremont and Park. The school was opened in March, 1858, by Dr. Collins and wife, and the following board of trustees: E. S. Holden, J. Sarles, B. W. Bours, P. E. Connor, Dr. C. Grattan, Austin Sperry, Andrew Wolf, J. M. Buffington and H. H. Hewlett. The first session of five months closed July 29, 1858, and on the evening of the following day the young ladies gave a ball, the procceds to be used in the purchsse of a library. This school was afterwards taught by Mr. William Van Doren and family. The property was sold to Dr. A. Clark, who still resides in the building.

Dr. Hunt's Seminary was built by Dr. Hunt in 1859, and opened as a private school. Dr. Hunt had been for many years a teacher in the South, and was an ordained Methodist preacher. Being a member of the Northern branch of Methodism, he did not believe in slavery, and in the troublesome times of 1859 he left his home and came to Stockton. He purchased a block of land and in the center

of the block erected a brick building, to be used as a residence and as a school building. This building was known as "Hunt's Female Seminary," and in the opening years was in a flourishing condition. This school was continued until 1873, when it was closed. Soon after this Dr. Hunt died, and the property was sold in lots. There are now five residences on the block where in 1870 was a beautiful garden of fruit-bearing trees and plants, from which the owner realized a handsome profit each year.

In an English speaking country it is a difficult matter for foreigners to teach their children to speak their native tongue. To accomplish this result, the Germans, in 1865, organized a German school, no language but German being spoken in school hours. The school was organized by an association, paying a certain sum each month to support a teacher. The establishment of this school was largely due to the efforts of Charles G. Ernest, deceased, who took great interest in educational matters. The association started with 94 charter members, its first board of directors being Charles Haas, President; Charles Grounsky, Secretary; A. Smallfield, Treasurer; A. Brandt and C. G. Ernest. Having no building of their own, the children met in one of the public school rooms on Saturdays. But the children did not fancy the loss of their Saturday holiday, and the time was changed to evening after school hours. The children were not satisfied with this arrangement, as they needed rest and recreation after public school session, and it was a very difficult matter to get them to take any interest in the German school.

In 1861 a school was opened in Turner Hall, holding sessions from 9 to 12 and from 1 to 4. In 1872 the association purchased the Christian Church, on Lindsay street, for $2,500, and held school there for several years, when it was finally closed in 1879.

ST. AGNES ACADEMY.

Catholicism is always in favor of sectarian schools and a division of the school money, and several times in the

history of the State has issue been taken on that question, led by that political Catholic of San Francisco, Zach. Montgomery. Finding the popular sentiment opposed to any division of the school fund, a Catholic private school was started in 1864, known as St. Mary's Catholic School. It was taught on the corner of San Joaquin and Lafayette streets, and had ninety pupils. In 1870 the school was removed to the old Catholic church building, and here it was conducted by Miss Mary McDonnell, assisted by her sister, Miss Jane McDonnell. In 1874 the school was placed under the supervision of the church, and the members of the church were expected to send their children to the parochial school. The attendance at the public school was diminished somewhat, and the attendance at this school increased to 140.

About this time Father O'Conner attempted to establish a convent school for girls, the school to be under the instruction of the Sisters of the Dominican Order. He was encouraged in his good labors, and in December 1874 the masons were laying the foundation walls. The lot is 300 by 600 feet, on the south bank of Mormon Slough, between San Joaquin and California streets. It was a gift from Captain Weber. Bids for the west end of the building were let to M. McCarty for $22,000, he subletting the brickwork to James Edwards & Son. The walls were erected and the roof put on, but further work was deferred until the spring of 1876, when the building was completed. To the Sisters of Charity this noble work is due, as they collected all of the funds. The building is 107 feet long and 41 feet wide, four stories high including the basement, and it is the intention at some future time to build another wing of equal size. The building was dedicated May 17, 1876, by Archbishop Alemany of San Francisco. On the afternoon of that day the Ancient Order of Hibernians, preceded by the band, marched from the church to the building, and, in the presence of a large crowd of country people and Stocktonians, the building was consecrated by Father McCarty and an essay was read by the Archbishop.

Sisters Ramonda, Magdalen, Catherine, Angela Stanislaus and Evangelist, of the Dominican Order, immediately took charge, and in August, 1876, it was opened as a first class school for girls only. The building will accommodate 50 boarders and 300 day scholars. It has at the present time about 40 boarders and 200 day scholars, and is an ornament to the city and a benefit to the educational interests of San Joaquin, and if the managers would throw aside their scheming to make converts to the Catholic faith and open the institution to boys also, the institution would be an addition long needed.

STOCKTON BUSINESS COLLEGE.

This institution was established in 1875 by F. R. Clarke, its present proprietor. It was Mr. Clarke's design when he opened the college to confine it to a strictly business training school, where the young and middle-aged of both sexes could receive a liberal commercial education that would thoroughly prepare them to engage successfully and understandingly in any pursuit in active business life. His success in teaching was such that urgent calls were made for instruction in other branches, particularly those in which teachers are required to be proficient. This led to the opening of a regular Normal school in connection with the Business College, where all the studies required in first-grade state certificates, and many of the higher branches of mathematics are thoroughly taught. To these has since been added a review course. There are no grades; pupils advance only in accordance with ability and application. There is also a preparatory department where students of any grade can enter and without examination or classification in a short time can be fully prepared for their course. The school will shortly be removed to a larger and more convenient building on the corner of Hunter and Miner Avenue, and it is safe to predict that Stockton can boast of an educational institution that is second to nothing of its kind in the state.

In the rush and strife for gold it was hardly to be expect-

ed that any one would become interested in the cause of education. The founder of the public school system in Stockton, V. M. Peyton, merits the esteem of all the lovers of education and liberty. In the third annual report of John G. Marion, State Superintendent, he says:

"The Legislature of 1851 made no provision for raising revenue for the support of schools except that arising from the sale of school lands, but as none were sold no school fund or revenue occurred. At this period it was with difficulty that a dozen members could be found who believed there was any necessity of providing for public schools, and hence no direct appropriation was made for their support during the session. At that time there were in the state upwards of 6,000 children. During the session of 1852 the Legislature repealed the school act of October, 1851, and passed a new act differing materially from the former. A provision was also made in the revenue law of that year by which 5 cents of the 30 cents tax imposed on each $100 of property was set aside for the benefit of public schools."

San Francisco and Sacramento at once took the benefit of that act, and organized public schools. In the Common Council of Stockton, October, 1853, Mr. V. M. Peyton, then a member of that body, arose and called attention to the fact that the cities of San Francisco and Sacramento were receiving all the benefits of the school fund, and in an earnest speech urged upon the Council some action in the matter. The law required every incorporated city to sustain its public schools three months before receiving state aid. This was an unsolved problem to that young body of city fathers, and the question was asked, how shall we obtain the money to establish the school?

The young instigator of our public schools was equal to the work he has since so nobly performed, and placing $50 on the table, it was increased by a like amount until those ten aldermen had given $500 to a most noble cause.

The cloud of doubt being dispelled the work was carried into success by Mr. C. W. Phelps and Captain Jordan, who solicited subscriptions from the public. The former, being

a married man, appealed to the fathers—of those who are now practicing law, medicine, engineering, and other branches of industry for which they have been fitted in the public schools—while Captain Jordan, himself a fair sample, called upon the bachelors to contribute their mite to the support of, not theirs, but somebody else's children in school. In this manner $1,000, at a rough estimate, placed the school on a sound basis.

The law placed the direction of the schools in the hands of the Common Council, and V. M. Peyton having drawn up an ordinance in conformity with his own views, it was unanimously passed by the Council, October 30, 1852.

The only changes in the law for the management of our city schools have been such only as were necessary to conform to the changes in the charter. By this ordinance a tax of three cents on each $100 was levied for school purposes, and the officers elected were to hold office until the next general election. The ordinance also appointed Wm. G. Canders as a School Census Marshal, to report before November 1st. The ordinance also provided for a Board of Education and a City Superintendent, to be elected by the Council, and Rev. J. W. Kelley, V. M. Peyton and Dr. George A. Shurtleff were elected. Dr. E. B. Bateman was chosen Superintendent. In December this Board met at the grocery store of Mr. Peyton, and elected him President, and his clerk, Mr. John Herron, as Clerk of the Board. Their intention was to have a free school in operation by the beginning of the new year, but suitable rooms were to be provided and competent teachers were to be obtained. The few teachers then in Stockton were unwilling to discontinue their private schools where they were coining money, for the untried experiment of a public school.

At length Mr. Peyton induced Dr. Canders to give up his private school and take charge of the male department of the free school. Dr. Canders was not a profound scholar, but he was a man for the times, and we can but respect his character and his work. His long locks were white with age and service as a minister of the Campbellite de-

J. M. Buffington

nomination, and he often preached in the church east of the Court House Square on Sunday, after teaching through the week. Mrs. J. H. Woods was persuaded to take charge of the girls' school. Suitable rooms were obtained, and the public schools were opened February 23, 1853. The boys were taught in the Stockton Academy, and the girls in a building where Hook's building, Main street, now stands.

The law provided that the County Assessor should be an ex officio County Superintendent, and S. A. Hurlbert by this law became the first County Superintendent of San Joaquin.

The Court of Sessions in August, 1853, districted the county as follows: Elliott and Elkhorn townships shall be denominated district No. 1; Douglass and O'Neil townships, district No. 2; Emory and Castoria townships, district No. 3; Tulare township, No. 4; Stockton township, No. 5.

In November, 1853, the Superintendent made his first annual report, which states that there were at that time 685 children in the county between 5 and 18 years of age, and that over 256 of these had been attending school; that the total amount expended for all purposes was $6,283 75, averaging $24 54 per each child.

S. A. Hurlbert had taught three months during the year in district No. 2, for $75 per month; W. R. Williams for three months at French Camp, at $60.

In the female school, taught by Miss Kerr and Miss Thomas, there were 67 pupils. The principal received $150 per month, and the assistant $100.

Dr. Canders taught a year at $100 per month. He had 151 names on his roll, and an average attendance of only 41.

There were not more than 150 scholars in regular attendance, with two teachers and rented rooms.

Under the present school system the sexes are taught together, but in the early schools they were taught separate, as in the judgment of the trustees, it was better. This separation caused great expense, but it was not until the building of the Lafayette school in 1864, that boys and

girls attended the same school, and even then some of the parents objected.

In the first public school we find pupils of every nationality, age, and degree of advancement, and none but a teacher who has taught in similar schools can form anything like a correct idea of this first attempt at public education here.

The methods of instruction were crude and imperfect. The methods and time of punishment were left to the teacher which is as it should be now. Usually for disobedience or any infraction of the laws, blows on the hand were given.

In 1854 J. M. Buffington was elected Mayor, and was also elected Superintendent on the expiration of Dr. Bateman's term.

The first examination of the schools took place in the Baptist church on Centre street. The average attendance in the boys' school was 40.

Proposals for teaching the school for one year from February 1, were received, and Dr. Canders continued for another year, and in 1855 the law was changed, and he became County Superintendent.

On the third of May the first grand picnic of the public school children was held. Mr. V. M. Peyton not only took a deep interest in the education of the children, but also joined with them in their pleasures and amusements. Through his exertions and a liberal response from the citizens ample provision was made. The children formed at the school house, and headed by a band of music marched down Main to Centre street, along Centre to Levee, and thence to the Court House, where they were taken in conveyances, kindly furnished by the stage companies and stable keepers, to Bowen's ranch on the Calaveras river. Mr. Bowen, now of San Francisco, had decorated the place for the occasion, and had provided an abundance of ice water, though the price of ice was exorbitant. Every vehicle, and even drays, were called into service to convey passengers to the grounds, and it was indeed a gala day for the citizens of Stockton, reminding them as it did of like scenes in their own childhood homes on the far Atlantic shore.

The exercises of coronation were commenced by a chorus by the children, followed by an address by Thomas Moore, oration by Jack Brady, and a poem by Miss Delia Dwelly, since then the wife of R. E. Wilhoit, Esq. Miss Mary Buffington was crowned "Queen of the May," and Miss Annette Parker was "Lady Hope."

In the first quarterly report of Superintendent Buffington the following statistics are given:

Of the 201 children then in the schools, 75 studied geography, 7 studied history of the United States, 5 studied natural philosophy, 110 studied written and mental arithmetic, 75 studied grammar, 123 studied penmanship, 81 studied composition, and the whole number studied orthography.

The Council in 1855 appointed Dr. Ellis City Superintendent. The census for the year gave 307 children of school age, there being 22 more girls than boys. The schools for the girls were removed to the academy building, but the schools for the boys were taught in the McNish building, corner of Hunter and Channel streets. This building at one time was also the court-house and jail. The schools were known by number: Nos. 1 and 3 (girls), taught by Mrs. J. B. Saxton and Henrietta Thomas; Nos. 2 and 4 (boys), taught by Dr. Canders and L. C. Van Allen.

A picnic was held May 1, 1855, and great interest was taken by the citizens. The cannon was fired, the bells were rung, the Stockton Band volunteered their services again, and marched to a grove near the Asylum—now destroyed for grading purposes. The floral car was a great attraction. The following young ladies were in the car. Those marked with a star (*) are, or have been married:

Delia Dwelly,* Ellen Meader,* Maggie McClennan,* Elizabeth Manning,* Julia Baine,* Alice Davis,* Anna Walls,* Annette Parker,* Mary Buffington,* Celia Henderson,* Lucy Lord, Matilda Brown,* Charlotte Emmons, Mary Bromislier, Florence Leffler,* Ella Blackman,* Ida Valkenburgh,* Clorinda Sarles,* and Caroline Owens.*

During this year there was great complaint about the unhealthful location of the boys' school, and it was removed to a two-story building corner of Sutter and Market streets.

These two schools were now taught by Mr. L. C. Felton, now residing at the Big Trees, and Mr. W. T. A. Gibson, of Stockton. Public entertainments were often given at the close of school terms, and at the close of the November term, 1856, an exhibition was given in the theatre for the purpose of purchasing a piano for the schools. The following took part in this exhibition: Jerome Stockwell, Maggie Buffington, Lizzie Sargent, Amelia Mersfelder, Mary Newell, Mary Loring, Alonzo and Robert Fisher, and Hannah Levi. At the close, Mr. Peyton stated the object of the exhibition, and little girls started to collect the money, when a silver shower fell upon the stage streaked with many a piece of gold. More than $600 were thrown upon the stage, and the first musical instrument for the schools was purchased.

During the school year and at the time of the yearly examination in 1856, the primary schools were taught by Miss Thomas and Mr. Miller, and the grammar school by Mr. Felton and Miss Virginia Grove.

In 1857 the board of trustees elected the following corps of teachers for one year: In the female department Miss Lucy A. Grove, Miss Virginia Grove; in the female primary, Miss A. Paine; in the male grammar, W. T. A. Gibson; and in the male primary, J. M. Buffington.

In December, 1867, Messrs. Gibson and Smith opened the first evening school.

In May, 1858, another school picnic was held in the grove north of the city. The only noticeable feature was that the Stockton Blues, the first genuine military company organized in the city, acted as an escort for the children and managed to eat the most of their lunch.

V. M. Peyton, T. J. Keys and Dr. Shurtleff were elected as School Trustees in 1858, and under their direction the first brick school house, now known as the "Old Franklin," was built.

In 1857 the grand jury said of the boys school: "It is the opinion of the jury that the buildings are a disgrace to any civilized community." This report was made in May, and before the year closed the schools were moved to Main and Sutter. The trustees, in 1858, called the attention of the council to the dilapidated condition of the school buildings, and September 20th the trustees were authorized to receive bids for the erection of a two-story brick on Centre street. The expense of building was to be paid from the school fund from time to time as the trustess might deem it expedient.

This building was dedicated February 29, 1859. The children marched from the old buildings to the new. The exercises were, a prayer by Rev. Mr. Fisher, an address by county superintendent Hager, and singing by the pupils.

In 1861 the school system was lifted to a higher plane, and began revolving round a new centre. The council of that year elected Dr. I. S. Locke, City Superintendent, and H. S. Sargent, who was a member of the board of education, was elected secretary of the board, which office he held for two years.

They were compelled to reorganize completely, and again a most decided and beneficial change in the schools took place.

It was seen that teachers had been the masters of the board, teaching such studies as they saw fit, dismissing school at all hours, and in some instances giving the pupils a holiday that they themselves might enjoy the pleasure of some amusement. This lax system was not in accordance with the views of the new board. A radical reform in school discipline was effected by the removal of the offending teachers, which created a storm of indignation in the church circle in which the teachers moved, but the board realized the necessity of strict attention to school work on the part of teachers, and by an example the teachers were taught the force of the motto hanging in the school room: "Obedience is heaven's first law."

When the board reorganized there was an indebtedness

of $3,500 on the Franklin building drawing interest at 1½ per cent. per month. The value of the entire school property was estimated at $9,000, all of it being in this Franklin school property except a lot on San Joaquin street.

In December 1861 it was resolved to admit scholars from the country by their paying a monthly fee, and this plan is still allowed. In the same month a uniform series of text books was adopted; the number of classes was reduced and prizes were offered for the best students.

In September of this year the board advertised an examination of teachers for the schools for the school year of 1862, but there were no applicants. There were but few teachers in the State at this time, and most of them preferred to teach private classes.

In January 1862 the board succeeded in making a complete change of teachers. The children had been in the habit of attending school at any time and from any place, and to check this evil permits were given to all pupils assigning them to some particular class, and excuses for absence or tardiness were required.

The number of children entitled to school privileges had increased to 787, 386 of whom were girls. There had been a primary school established, numbering 247 pupils and taught by two teachers, and the higher schools were classified as grammar and intermediate. There had been some grading done, and the secretary, speaking of the male grammar school, says: "The grade of the school has been rigidly maintained, none being admitted that are not fully qualified."

At this time Latin, algebra, geometry and rhetoric, as well as common English branches, were taught to the pupils of the advanced grade.

The first Boards had thought it demoralizing to educate the boys and girls together, but the new Board, after mature deliberation, determined to unite the sexes in the schools, and they did so July 21, 1862. It proved successful, and the schools were greatly the gainers by the change. In the report of the Secretary to the Council, October,

1862, he says: "The rapid increase of pupils demands that such a building be erected at once, that the schools may be conducted more economically" by having a primary and grammar school in the same building.

The Trustees petitioned the Council for $15,000 for building purposes and for paying outstanding indebtedness and other expenses. The petition was granted, and the citizens, at the May election, voted the sum recommended. Owing to some informality in the ordinance, the money could not be obtained until after the city taxes for 1863 had been collected. The erection of the building was hastened by the burning of the Academy, and in the summer of 1864 the Lafayette school building was commenced. It was built under the direction of James F. Mills and R. B. Lane, Council Committee on Education, and the Board of Education. The plans were drawn by Wm. Crane, of San Francisco, and the lowest bidder was Wm. Confer, his bid being $11,699. The building contains four large rooms and a basement, and the total cost was $17,300, including lot, fence, etc. The bell for this school was donated by C. T. Meader. Dr. Happersett was appointed Superintendent in 1863, and served till 1865. During his term the Colored School came under the supervision of the Board. The school had been opened at some time in 1860, the building used being the old African Methodist Church. The city had paid $25 per month, and the balance was made up by the black taxpayers.

This school came under the control of the Board in 1863, and so continued until 1879, when the separate school for colored children was abolished. Dr. Happersett resigned in 1865, and L. M. Hickman was appointed by the Council to fill the unexpired term, and afterward was elected for a full term. The school property had increased in value to $26,000. The Board expended all their income and were $1,100 in debt for salaries and rent. Three new schools had been formed in a rented building, and the little school-house on the lot now occupied by the Wash-

ington building—a room twenty feet square—was packed with forty children, and many were turned away, there being absolutely no room.

When the Board of 1866 were appointed, they passed a law requiring all teachers to hold either a county or a State certificate. The teachers had organized an Examining Board as early as 1856, and this action of the Trustees gave additional value to their certificates, although the State had not yet recognized the necessity of an Examining Board.

In May, 1867, L. M. Hickman resigned, and Rev. Elias Birdsall was appointed Superintendent.

In May, 1867, the people voted $15,000 for another school building. Plans were prepared by Wm. Crane, and submitted to a joint committee from the Council and the Board. The estimates exceeded the sum appropriated, but the committee decided in favor of the plans and recommended the Council to adopt them. The contract was awarded to James Edwards, brick work, $6,827; Robinson Bros., wood, $13,800. The building was completed December, 1869, at a total cost, including lot, fences, etc., of $24,724. Two of the lots were donated by Captain Weber, and two were purchased. While this building was being built N. M. Orr was appointed by the Council, and served one year. In 1868 George S. Ladd was appointed, and for twelve consecutive years has held his position. Sidney Newell has been Secretary of the Board since 1862, and to the latter gentleman's experience is partly due the financial success of the School Boards. Mr. Ladd had served as Councilman for three years and School Trustee for one year, before his election as Superintendent, so he did not come into the office without experience.

In his report in September, 1869, he recommended a revision of the School Law, a School Manual, defining the duties of teachers, pupils and Superintendent, and a better system of classification, and the introduction of a more practical course of study. At this time there were 2,010 childreu in the city under fifteen years of age, 922 attend-

ing the public schools and 217 attending private schools. The cost for each child per annum was $17. In December, 1869, the present system of grading was adopted and twelve schools were formed, a school of the fourth, fifth and sixth grades being established in each ward. There were, also, in the Second Ward one High School, and one First Grade School, and Second and Third Grade Schools in each of the other wards.

In 1869 a new City Charter, drawn up by the City Attorney, was passed by the Legislature. This new Charter took away from the Council the supervision of the schools and placed it in the hands of a Board of Education, composed of two members from each ward, and a City Superintendent, all of whom were to be elected by the people, the Superintendent to hold office for two years, from September, following his election in May, and three of the members of the Board (one from each ward) to be elected annually. The first election under the new Charter took place in 1870. George S. Ladd was elected Superintendent, over Dr. F. W. Todd, and J. T. Mills, A. Gall, Sidney Newell. H. T. Dorrance, C. G. Ernest and Melville Cottle were elected Trustees. In this year the city limits were extended, and it was found necessary to increase the school facilities in the eastern portion of the city. The people voted an appropriation of $15,000 for a new building. The extension of the city limits brought within its control the school-houses and a portion of three school districts, and provision was made for any of the pupils of these districts to attend any of the city schools free of cost.

Captain Weber had deeded property to one of these districts—the Vineyard—but it was not considered central enough, and the Trustees purchased property on the corner of Weber avenue and Pilgrim street for $1,600, and began the erection of the Jefferson school building.

George W. Percy's plans were accepted, and October 10, 1870, the contract was let to Robinson Brothers, for $17,144. The building was completed in 1871, at a total cost of $23,044.

September 2, 1872, plans were drawn by Charles Beasley for the erection of a two-story brick building on the lot occupied by the Pioneer brick school-house, and the new building was named the New Franklin.

The cost, including fence, grading, etc., was $15,165.

A similar building was erected in 1875, on the corner of Commerce and Flora streets, at a cost of $15,693, and was named, in honor of Captain Weber, the Weber School.

The total value of the school property at this time is about $150,000. The city owns five large handsome buildings, and in these schools children are taught by thirty-three teachers.

The schools embrace six different grades, and besides these a High School.

The studies are so graded that a child of ordinary ability can commence school at the age of six years and graduate at the age of eighteen. The course of study in the high school extends through three years, and a graduate from this school is qualified for practical life and has a good foundation for any of the professions. There is a philosophical and chemical apparatus belonging to this school valued at $1,200, over $300 worth having been just purchased. The apparatus includes full sets for the explanation of frictional and chemical electricity, air pump, sonometer, mirrors, lenses, and a fine lantern for throwing enlarged views upon a screen.

There is a school library containing about 1500 volumes and worth over $2,000.

There are in the schools the following musical instruments: 1 piano in high school; 1 organ in each first grade school; 1 organ in each second grade school. The value of these instruments is over $1,000. The money for the purchase of these instruments was raised mostly by the pupils, by giving musical entertainments in the theatre, under the direction of Mr. H. J. Todd, who was formerly teacher of vocal music in our schools.

The following is a list of graduates of the high school:

Class of 1870—C. Ewald Grunsky, Lottie Grunsky, Alice Mills.

Class of 1871—J. H. Wallace, S. L. Carter, J. M. Littlehale, Eveline H. Woodbridge, Elma J. Carter, Sarah A. Randall.

Class of 1873—Geo. Harkness, Wilbur Wenk, Harry T. Compton, Jr., Armenia Oliva, Mary Keys, Emma Curry, Carrie Roesch, Martha Holdsworth, Carrie Kalisher.

Class of 1874—Frank Clowes and Kitty Crofton.

Class of 1875—Frank Kelsey, Mary Garvin, Mary Langworthy, Minnie Harkness, Mary Ingels and Henrietta Hart.

Class of 1876—Walter Baggs, Willie Bours, Will. Holden, Will. Smith, Lincoln Ruggles, Reel Terry, Willie Westbay, Ada Boschen, Lou. Elliot, Lulu Hogan, Nettie Hunt, Clara Stier, Hattie West and Mary Woodbridge.

Class of 1877—Andrew Hoisholt, Edward Sedgwick, James Garvin, Carrie Brandt, Alma Clapp, Ida Dennett, Katie Garvin, Josephine Jacobson, Amy Kelsey, Georgie Kelsey, Helen Myers, Nellie Smith and Emma Wallace.

Class of 1879—Carrie Berdine, Lettie Summerville, Lilian Tinkham, Fannie Marks, Hattie Marks, Carrie Hart, Mary Elliot, Nellie Smith, Annie Russell, Kate Russell, Walter Bidwell, George Catts, John Garwood and Frank West.

Class of 1880—Gertrude Elliott, Cora Ralph, Jennie Winter, Mamie Huggins and Eugene Grunsky.

The course of study in all the lower grades is naturally preparatory to entering the junior class of the high school. In this class pupils who desire to become teachers are given a normal school course, and are admitted at the meetings of teachers for the discussion of school topics. The studies of the high school are as follows for the three years consumed in preparing to graduate:

First year—Arithmetic, algebra, natural philosophy, ancient history, sentence analysis, English composition, vocal culture, compositions and declamations.

Second year—Algebra, English composition, ancient history, English literature, chemistry, geometry, botany, compositions and declamations.

Third year—Algebra, geometry, history of the middle ages, geology, zoology, English literature, mental philosophy, trigonometry, compositions, declamations and Hopkins' Manual of American Ideas.

This course is also intended to prepare pupils for admission into the College of Arts of the University.

The subjoined classical course is established for the purpose of affording those who have graduated from the grammar school the opportunity of obtaining a more liberal education and to prepare them for admission to the College of Letters of the University:

First year—Arithmetic, algebra, ancient history, sentence analysis, English composition, Latin, vocal culture, compositions and declamations.

Second year—Algebra, English composition, ancient history, English literature, geometry, botany, Latin, Greek.

Third year—Algebra, geometry, astromomy, history of middle ages, Greek, Homer's Iliad, Latin, prosody, Arnold's Latin prose composition, Hopkins' Manual of American Ideas, compositions, declamations and vocal music.

Of these, four have been teachers but are now married. Miss Kittie Crofton, class of 1874, is a successful teacher in the city, also Miss Minnie Harkness, class of '75.

Mr. Willie Westbay, class of 1876, is cashier of the Merced Savings Bank. Misses Sue and Nettie Hunt, Miss Clara Stier and Miss Hattie West, of the same class, are teachers. Mr. Andrew Hoisholt and Miss Anna Clapp, of the class of 1877, have also been engaged in teaching. Besides these, Miss Carrie Berdine, Miss Lettie Summerville, Misses Anna and Kate Russell, and Miss Lilian Tinkham, of the class of 1879, are engaged in the same work. Many of our most successful city teachers of later years are the graduates of this school. Miss Lottie F. Grunsky, Miss Alice Mills and Miss Elma Carter have taught in Stockton for several years and with marked success. The friends of the school, and the teachers, have the satisfaction of knowing that not one of the graduates has made a record for him or herself that brings anything but honor to the institution; and the suc-

cess of these speaks more plainly than words of the excellence of our city schools.

Charles Ewald Grunsky, of the class of 1870, is Assistant State Engineer. Of the class of 1871, J. Herbert Wallace is a professional civil engineer at Folsom; S. L. Carter, Esq., is a promising lawyer and at present City Attorney. The present State Engineer, W. Hammond Hall, was partly educated in our schools. Dr. W. G. Wallace, a graduate of Penn. Dental College, was a member of the high school class of 1876. George Harkness, '73, is about to graduate at Cornell University, New York. Harry T. Compton, jr., is County Engineer and Surveyor.

In the election of May, 1880, Mr. George S. Ladd was defeated by Dr. S. P. Crawford, the Democratic nominee, who is the first Democrat ever elected in Stockton as School Superintendent.

In September next Mr. Ladd retires from a position of usefulness, in which his practical sense and unbiased judgment have brought the schools of Stockton to that standard of excellence which give them rank among the very best in the state.

Since 1861 the following gentlemen have served upon the School Board:

1861—George W. Tyler, Charles Belding, H. S. Sargent.

1862—H. S. Sargent, C. Belding, C. G. Ernest.

1863—M. G. Cobb, I. S. Locke, H. S. Sargent, Sidney Newell.

1864—L. M. Hickman, H. S. Sargent, B. W. Owens, S. Newell.

1865—C. Grunsky, H. S. Sargent, H. T. Dorrance, S. Newell.

1866—W. M. Baggs, H. T. Dorrance, C. Belding, S. Newell.

1867—H. T. Dorrance, W. M. Baggs, C. G. Ernest, C. Belding, S. Newell.

1868—C. G. Ernest, C. Belding, M. Cottle, S. Newell, H. W. Taylor.

1869—E. D. Kalisher, L. E. Yates, C. O. Burton, C. G. Ernest, S. Newell.

1870—(Law changed this year so that there were two from each ward elected by the people instead of appointed by the Council.) A. Gall, Melville Cottle, C. G. Ernest, H. T. Dorrance, S. Newell, J. T. Mills.

1871—J. T. Mills, N. M. Orr, C. C. Chaplin.

1872—E. D. Kalisher, A. Gall, S. Newell, G. F. Smith, C. G. Ernest.

1873—W. M. Baggs, H. E. Hall, M. S. Thresher.

1874—I. R. Wilbur, S. B. Morse, D. Hopkins.

1875—P. B. Fraser, D. Hopkins, M. S. Thresher.

1876—W. M. Baggs, S. B. Morse, I. R. Wilbur.

1877—J. T. Mills, B. F. Bagley, C. E. Perkins.

1878—J. B. Houche, J. W. Smith, I. R. Wilbur, James Littlehale, F. Arnold.

1879—B. F. Bagley, J. Yardley, H. C. Smith.

1880—W. G. Curtis, H. C. Norris.

CHAPTER XXIV.

COMMERCE AND TRADE.

The commercial transactions of Stockton resolve themselves into two periods, the first period terminating with the completion of the railroad in 1869.

The commercial interests of this city have been paralyzed at times by circumstances beyond the control of its inhabitants, such as dry seasons, a failure of water for mining purposes, the change of the current of trade in 1869, etc., But other causes within the control of citizens—indifference and opposition to any new enterprise and selfishness on the part of the moneyed men—have retarded the prosperity of Stockton. Natural advantages only have made her what she is in spite of these.

It will be remembered that before the discovery of gold Captain Weber had a small store on the south side of Stock-

ton Slough. The gold fever caused all classes to rush to Sutter's Mill, and every other occupation was deserted. The Stockton Mining Company discovered gold miles south of the mill, and the Cosumnes River became the dividing line between the "northern and southern mines." At first the tide of travel turned to the northern mines by the way of Sacramento, especially because the southern mines had not been heard of in the East. The fare to Sacramento was less than to Stockton and this also was a reason for the amount of travel by the way of Sacramento.

Thus it is that in 1850 we find Sacramento to be a large, wealthy, well-built city, having a large number of wealthy and energetic business men, who pull together and use every means to give power and influence to their city.

The largest nuggets of gold were found in the Southern mines, just sixty miles from tide water. A nugget of pure gold, weighing eighty ounces, was found by some Indians near Sonorian Camp, and was worth $960, gold then being worth only $12 per ounce. This nugget was purchased in San Francisco for $3,000, and sent to the Bank of England as a specimen from the California gold mines.

The coarse gold fields of the southern mines at once drew a large number of miners from the north, and the tide of travel turned rapidly in the direction of Stockton.

When I asked the founder of Stockton what vessels and what persons came here first, he said that it was impossible to tell, as they came so rapidly. We can name only a few that are known to have been here at an early day, and some of these names may be incorrect.

Bread was one of the most important elements of trade in 1848. The first to supply this demand were Murphy & Ferguson, who had a small bake-shop and eating house where the Eureka Saloon now stands.

Sirey, White & Whitehouse were the first hotel keepers. The first blacksmith shop was owned by Mr. Robertson. Mr. James Journeay made the first wagon. Mr. William Graham put on the first wagon brake for Mr. Overhiser.

When the rush turned toward the southern mines there

was a great demand for wagons of any description that could be used in transporting freight, and the cost of these wagons was exorbitant for a time, until the supply equaled the demand, when, of course, the price dropped.

Captain Weber, Nelson Taylor and G. G. Belt had the first stores for general merchandise.

Mr. J. H. Bowers opened the first bath-house, on Centre street.

A. H. Todd & Co. and Reynolds & Co. were among the first express companies. Gillingham Bros. were here in the grocery business in 1849, and so were Sparrow & Navarro.

Bonsall & Scott made the first brick. The first oyster saloon and ice cream stand was kept by B. Howard Brown, in a building near where the Weber Engine House now stands, and many a husband in Stockton courted his lady love over an ice cream or plate of canned oysters in the Blue Wing Saloon. He charged $1 a glass for cream, and there was a steady demand for oysters, day and night. Eggs were worth fifty cents apiece.

There were quite a number of traders who intended to go on to the mines with a large stock of goods, but being unable to obtain transportation for weeks, they gave up the idea and remained in Stockton, and many of them made their fortunes in a few months.

Mr. Zachariah came among this number, and in 1850 he opened a small 6x10 clothing store on the levee and invested $50 in clothing. From this investment he realized $21,500 in less than six months, went home and returned with his family. He then planted a beautiful orchard and flower garden on the corner of Grant and Park streets, and in 1854 sold his first ripe pears for $3 each. He had a beautiful garden, and there have been no gardens since, in Stockton, that could be compared with it.

It was the intention of Captain Weber to lay off the peninsula as a park and public pleasure garden, but he allowed the opinions of others to change his plans. In the second survey this neck of land had been laid off into blocks, and all argued that those lots would be very valuable, as the

center of business would be upon the peninsula. At that time it seemed that such would be the case, but causes unforeseen operated against it. Weber had thrown a bridge across Stockton slough, from Bridge street to the Eureka saloon, and after the sale of the peninsula lots a fight was made for a bridge. The "Bridgers" won in the contest. The State Legislature declared El Dorado street the head of navigation, and the Council built a bridge on that street at a final cost of $60,000. By this act of the Legislature the slough above the bridge to Hunter street became the property of Captain Weber as the original owner. This lot has in imagination been the location of a city hall, theater, a market, or a railroad depot; the owner has been offered $80,000 for it. Business did not increase on the peninsula and Weber, seeing his mistake, tried to re-purchase the lots, but the parties would not sell, and it is on account of this fact that there is not a fine pleasure park there to-day. Weber then laid out a garden around his residence, and this garden for years was open to the public. As early as 1852 he had raised grapes from vines brought from Mexico. Bayard Taylor, speaking of this garden and its owner, says (October, 1860):

"We were greatly delighted with our visit to Captain Weber, who has transformed a tract of land between two arms of the slough into a garden." There is no more delightful villa in existence. A thick hedge, outside of which is a row of semi-tropical trees, surrounds the peninsula. The gate opens into a lofty avenue of trellis work, where the sunshine strikes through pulpy bunches of amethyst and chrysolite, while on either hand beds of royal roses of every hue fill the air with odor. The house is low, but spacious, with wood work of the natural redwood, scarcely less beautiful than mahogany. Vine-covered verandahs surround it and keep off the sun, and every window discloses a vision of plants that would be the glory of any green-house on the Atlantic coast. In Mrs. Weber I found an old acquaintance of my former visit. Well I remember the day when hungry, hot and

footsore, I limped to the door of her father's house, on a ranch in the valley of San Jose, and found her reading a poem of mine. Her father saddled his horse and rode with me to the top of the mountain, and her own hands prepared the grateful supper and breakfast that gave me strength for the tramp to Monterey. The garden delighted us beyond measure. The walks were waist deep in fuchsias, heliotrope and geraniums. The verbenas grew high above our heads, and the pepper trees, with their loose, misty boughs, hailed us as do friends from Athens. A row of Italian cypresses, straight and spiry as those which look on Florence from San Miniato, were shooting rapidly above the other growths of the garden. How they will transform the character of this landscape when at last their dark obelisks stand in full stature."

For many years this garden was open at all times to the public; but in later years the hand of the despoiler ruined many of the plants, and the wanton frequented the dark recesses, and the garden was destroyed. Many of the plants were transferred to the grounds of St. Agnes Academy.

Lots on the business streets rose rapidly in value, and they for a time were higher on the peninsula than elsewhere. Lots on Centre street fifty feet front brought from $5,000 to $6,000, and every vacant lot on this street was bought up in a single day. Property holders on Mormon Slough tried to build up that part of the city and to induce merchants to locate there. The following notice appeared April 16, 1850:

"We the undersigned respectfully represent to the public that the most desirable location for men of business is on the banks of Mormon Slough," etc.

Then followed several reasons which were supposed to be sufficient to prove to all reflecting persons that this was indeed the most favorable spot.

In 1852 a petition was sent to the Council asking for a bridge across Mormon Slough. The Centre street mer-

chants wanted the bridge on Centre street, and of course the Hunter street merchants wanted it on Hunter street. The channel, however, is much narrower at Centre street, and the bridge was built on this street in preference to Hunter street. It was built by private subscription for $4,800. It was swept away by the flood of 1862.

Store ships were sailing vessels, which came to Stockton from all parts of the world, and were anchored in the stream or moored to the bank. Each of these vessels had a history that would, if known, be of great interest. So many of these ships were anchored in the slough, that they were a detriment to navigation, and in February, 1850, five months before the city was organized, the merchants sent a petition to Captain Weber, requesting him to cause to be removed any vessel lying at anchor in the slough.

This petition was signed by 107 citizens representing 21 different occupations, including 36 merchants. Of these signers, Wm. G. Phelps and Thomas Sedgwick are still residents of this county.

Weber requested the owners of the vessels to leave, but they did not all of them comply with his request. We find the Council in 1851 ordering S. Starbuck to remove his brig from the stream. The brigs were used for store ships in which to store goods, as they were much safer than in the tents on the land. Finally many of them were taken to Mormon Slough and burned.

The avenues of trade are various, branching out in every direction, but in early days the principal business was in connection with the southern mines.

A large number of men were employed as forwarding and commission merchants, and a large number were employed in teaming.

Those who owned buildings made considerable money by storage.

One of the leading commission merchants of early times was "China John," who had the business of nearly all the Chinamen in the southern mines. He married a Mexican woman and became very wealthy. In dress he assumed

the garb of the American, and with his gold watch and chain was a prominent feature of the levee for many years.

There were thousands of foreign miners who passed through Stockton as early as 1850, on their way to the mines. A law called "The Foreign Miners' Tax," passed in that year by the Legislature, created such excitement that it was repealed in 1851. This law taxed all the foreign miners to such an extent that if it were continued in force they would be compelled to leave the state. In Stockton a large mass meeting was held, March 6, 1851, at the El Placer Saloon to take under consideration some measures by which a repeal of the law could be secured. The same course was pursued in other parts of the state, and in April, 1851, the law was repealed.

People at this time were opposed to any kind of tax. The Council of 1851 passed an ordinance taxing all merchandise landed in Stockton, not intended for city trade. This law worked a great injury to the commission merchants and the merchants in the mountains. It was found to be injurious to the interests of Stockton, by diverting trade to other points, and it was repealed. A tax of $2 per ton was levied on all merchandise landed at the wharf. This ordinance called out a protest from the merchants. The enforcement of the tax caused so much bitter feeling that five of the Councilmen resigned. An election for filling the vacancies was ordered, and the merchants and the citizens each held meetings to nominate candidates. The anti-tax ticket was elected, and this resulted in a repeal of the ordinance. This tax was established again in after years, and was continued in force until 1878.

In 1852 the Legislature passed an act giving Allen & Burnham the exclusive right to establish a telegraph line from San Francisco to Sacramento, San Jose, Stockton and Marysville. A stock company was formed, and stock was issued to the amount of $150,000; shares at $100 each.

In 1854 these lines were completed, and also a line be-

tween Stockton and Sonora. The telegraph office was in the Weber House, and it was here that Charles Blake learned to operate. When the Western Pacific Railroad was completed in 1868, the company purchased this telegraph line and Blake became their chief operator.

It is probable that never in the history of trade has business been as brisk as during the flush times of 1849 and the ten succeeding years. The principal branches of merchandising houses were groceries, clothing stores, saloons and commission houses, with a sprinkling of barber, butcher, apothecary and blacksmith shops. The great bulk of the business was carried on with the mines, and the goods were transported from Stockton by teams. The primitive way of transportation was on the backs of mules. Samuel Catts came to Stockton from Mexico in 1849 with a drove of mules which he sold for $100 a piece. Each mule was packed with a load of 400 pounds of coffee, sugar, potatoes, furniture, etc., it being no strange sight to see a mule with a bureau and three or four chairs on his back. They were driven in bands of from 50 to 200, and were in charge of from two to six Mexicans.

Ox teams were used to a limited extent, but as they were very slow their use was not general.

One would hardly expect to find men making pack animals of themselves, but they often were compelled to do so. Sometimes lack of money, or perhaps a severe Winter in which the teams could not reach the mines, compelled the men to pack provisions and the necessaries of life to keep the miners from starvation. It was a common occurrence to see miners traveling on foot to and from the mines, packing blankets and provisions, and many a pioneer who reads these lines will say, "I have done that many a time."

We read that in January, 1853, twenty-five Chilians left for the mines, loaded, followed by fifteen Chinamen, each carrying 100 pounds of rice to their brethren in the mines. The Winter of 1853 was very rainy, and it was almost impossible to supply the mining camps with provisions enough, and fifty Chilians were obliged to come to Stockton on foot

through the mud. They took 100 pounds of food each, and started back to Mokelumne Hill. Of course the cost of freight by this method of transportation was enormous. The freight to Sonora, a distance of sixty miles, was seventy-five cents a pound, and to Mariposa, 120 miles away, one dollar per pound.

In the Winter of 1852, when there was competition, the charges were one and one-half cents to French Camp, only five miles away, and twelve cents to Sonora. To supply facilities for transporting the increased amount of freight, wagons of immense size were built, called "prairie schooners." One of these wagons, called the Stocktonian, was built by William P. Miller. It was 28 feet long, 8 feet high, and 5 feet wide. The hind wheels were 7 feet in diameter. It cost $1,000 and weighed 5,000 pounds.

Mr. M. Caricoff drew in three of these wagons, one fastened behind the other, 31,000 pounds of wheat to the Stanislaus mills at Knight's Ferry, with only fourteen mules. It is as much of an occurrence to see a mule team in Stockton to-day as it would have been in 1852 to have seen a locomotive on the levee.

In making their trips to the mountains they would drive from one station to the next, these stations being about fifteen miles apart. These houses all had names, and the Henrietta, the North American, the 12-Mile, 15-Mile, 26-Mile, Spring Valley, Poland, Zinc, Marietta, and Oak Grove Cottage are all familiar names to the Californian of twenty-five years ago.

Many of the teamsters would fasten an arched bow, covered with bells, to the harness of their mules, and as they walked along the sound of these bells could be heard for miles in the mountains, and the merchants would know that the expected bell train was coming.

Mr. James Journeay, now a farmer near this city, made the first "big wagon." Messrs. Groves & Fairbanks had a large blacksmith shop on the corner of California and Sonora streets. They employed constantly more than one hundred men, making wagons and picks and sharpening pick

points. Mr. Fairbanks claimed to be the first man who put the iron hub into a wagon in Stockton. He also claims to have made, for Philip Groves, the wood work of the first light wagon constructed in California, in 1851.

In the Summer of 1851 Mr. William P. Miller arrived in Stockton and commenced work for J. W. Smith on Channel street, as journeyman. In one end of the same building Sargent & Hamlin were blacksmithing on their own account. Soon after this Mr. Smith sold out to Mr. Miller. The next year Miller went to San Francisco and bought an old ship's rudder stock for forty dollars. He took this to a wood turner's and had it made into hubs, and returned to Stockton. As trade increased he employed two men, and fitting up a bench under an oak tree, began the manufacture of Stockton's first "prairie schooner." He sawed with a hand saw all the spokes and felloes out of oak plank shipped from Connecticut. Messrs. Sargent & Graham ironed the monster, and it was painted and finished by Mr. Miller. It was named the "Texas Ranger," and from its immense size and excellent workmanship attracted great attention.

In 1853 Mr. Miller moved to his present location, corner of Channel and California streets, and there built the largest freight wagon ever made in Stockton. On holiday occasions this wagon and the team which drew it formed quite a feature in the parade.

In their trips to the mountains nearly all of the teams consisted of three wagons attached to each other, the last being the smallest. At the present time there are many old teamsters living in the city, some of them among our best citizens, such as Andy Blossom, J. D. Peters, D. J. Oullahan, Samuel, Jacob and Andrew Meyers.

During the rainy seasons before the streets were graveled and the turnpikes were built, it was almost impossible for teams to travel the roads or streets. Attempts were made to have the streets planked, but no planking was done until 1854, and then only at a great expense. As a result of the terrible condition of the roads business was almost suspended during the rainy months, to be reopened again and to flour-

ish until the next rainy season. There was only one route by which merchandise could be transported, and this was by the way of French Camp, and as the soil from that point is sandy, teams could travel as well in Winter as in Summer for a long distance. Captain Weber, as early as 1850, had intended to improve and grade a road from Stockton to French Camp, but in his survey he was met by the squatter Lansing, shotgun in hand, who refused to allow Weber to pass over the land he claimed. The enterprise was abandoned, and a law suit resulted in the ejectment of Lansing and the property again became Weber's. He then gave a deed of it to Lansing's wife, and she, in a note, acknowledged the gift.

In 1852 a company was organized to build a plank road from Stockton to the camp and the enterprise seemed to be an assured success.

A meeting was held at the Angelo House, and Judge Stakes was appointed Chairman, and a committee was appointed to ascertain the expense and the feeling of the community relative to this important project. No encouragement was given, and the work failed for want of support.

Four years later the French Camp Gravel Road Company was organized, with V. M. Peyton President, H. C. Patrick Secretary, and E. S. Holden Treasurer, and made an effort to carry out the plan of completing a gravel road. They had the will, but no capital, and the work which they commenced was allowed to fail.

In 1865 a permanent company was organized and a charter was granted. The survey was made, the right of way was purchased, and the French Camp Turnpike was built.

We have thus far treated of transportation of freight, and the history of passenger transportation naturally includes an account of the various stage lines. In the history of staging we lay no claim to completeness, but have only given a general outline of that important feature in Stockton's early history.

STAGING.

In 1850 a Mr. Holden was freighting between Stockton and Sonora, and seeing the large number that were passing and re-passing between the two points, concluded to carry lighter freight, make quicker trips, and, perhaps, coin more money. So he commenced carrying passengers in his wagon from Stockton to the mines. In the next year this pioneer line was sold to Kelly, Reynolds & Co., who established a regular line of stages to different points. About the same time three other lines were started, running to all points in the southern mines, and carrying mails and express matter. These lines were owned by Fisher & Co., Bodge, Ready & Co., and J. Brown. In 1852 Alonzo McCloud started an opposition line, the fare being $16 to Sonora. In 1854 he sold out to Kelly & Fisher for $10,000. In the fall of that year McCloud put on a line of stages in a new direction—to Oakland; but the line did not succeed financially, and was withdrawn. In 1864 McCloud ran an opposition to Sacramento, fare $6, and opposition lines were put on at different times, much to the pleasure of the traveling public, but to the loss of the owners.

Fisher & Co., having made considerable money, sold out to Maurice Dooly, and at the death of Dooly the entire staging business passed into the hands of Charles Sisson, who carried it on until the railroad ruined the business.

These stages visited all of the mining towns. The longest route was to Mariposa, 110 miles. Two days were required for this trip, and the fare was $20. The best coaches and harnesses were shipped from Concord, New Hampshire, the coaches costing from $1,200 to $1,500 each. The days of opposition were days of excitement each company employing a runner at $100 a month. Two of these runners are still living—Joseph Horseley and Robert Dennis. The latter, with his stentorian voice, has awakened many a slumberer at six o'clock in the morning with "All aboard for Sacramento, Sonora, Columbia, Chinese Camp," etc., naming about thirty different towns.

On more than one occasion, in the heat of summer, have opposition lines so tested the merits of their teams that they have come into the city side by side, their horses on the run and the sweat dripping from their sides.

The drivers, cool and calm, sat upon their boxes, occasionally touching a leader with their long lash, while the passengers would cheer and yell as they rode along. On one occasion a stage came in with only three horses, the fourth having been killed on the route by hard driving. The quickest time ever made by these stages was in 1853. Sonora having been destroyed by fire, the stage left at half-past one and reached Stockton at eight o'clock, having made the entire distance—sixty miles—in six hours and a half.

Such is a brief account of staging as connected with our city. The locomotive has taken the place of the coach, and the latter is seldom seen.

COMMERCE BY WATER.

The earliest products of California being hides and tallow, these formed the greatest part of the first freight shipped to the bay. Captain C. M. Weber had large bands of cattle grazing on the plains, which were slaughtered for their hides and tallow. Vessels coming up to this embarcadero to load with these articles were probably the first vessels in Stockton waters. In the discovery of gold in the southern mines and the increasing immigration to Stockton, Captain Weber saw an increase of business in his store, and to facilitate trade and transport his merchandise he purchased the first vessel that sailed up the San Joaquin river to Stockton. This vessel was called the Maria, and a bill of sale in possession of the purchaser states that she was built in Portland, Oregon, in 1848. She was 38 feet long, breadth of beam 9 feet 11 inches, depth of hold 39 inches. Captain Weber bought her on the 13th of September, 1848, for $4,000, and loaded her with thirteen tons of freight.

Others followed in rapid succession after the discovery

of gold, and in the Spring of 1849 small sloops and schooners were running regularly between Stockton and San Francisco. These vessels carried passengers as well as freight, and often consumed from ten to fifteen days in making the passage between the two ports. One of the passenger conveyances was a whaleboat, called the Wave, and a number of the residents of Stockton landed here over her bows. It has been generally supposed that Stockton continued to be the head of navigation until after the settlement of the valley by farmers who shipped out their produce by river, but such is not the fact. Although Stockton became the chief trading post for the southern mines in 1849, the adhesive quality of the adobe mud of our streets before they were graded and graveled made teaming a matter of such difficulty in the Winter that a more substantial landing was sought, and several towns higher up on the river were laid out. Tuolumne City, on the Tuolumne river, became quite an ambitious rival of Stockton for the trade of the mines, but the low water which succeeded the first dry Winter killed the budding hopes of the inaccessible town.

Mr. John Doak, who came overland to California in 1847, says that the discovery of gold created great excitement, and the whole settlement was aroused with the news. Mr. Doak had ten men at work for him on Saturday night, and on Monday they had all concluded to go to the diggings. Business in his line being then broken up for want of help, in June, 1848, he joined a company made up at that place for a trip to the mining districts. When he left Santa Cruz there were seven wagons in the outfit. On their arrival at the crossing of the San Joaquin (about where the Western Pacific Railroad crossing now is) the party had increased until, in addition to the wagons, there were three hundred men on horseback. The river was then very high from the Spring freshets and was overflowing its banks in all directions. A boat was constructed of willow poles covered with elk hides, and in this they ferried across their provisions and men. The horses were

made to swim, and the wagons were floated across on tule "palsas," which were large bundles of dry tules firmly bound together, which formed a kind of raft. The party passed through Stockton and made directly for Sutter's Mill, on the American river, or what is now Coloma. On his arrival at Coloma they found a large number of men, but they soon struck out in different directions, seeking gold, some parties going north and others south, searching for new diggings. The principal mining districts of the State were soon discovered, it being a remarkable fact that gold was discovered that year at important points as far south as the Tuolumne river, and also at several places on many of the northern rivers and their tributaries. Mr. Doak mined on the bars of American river for a time and then struck south to Dry creek, in Amador county, above Ione valley, where they remained until November, when they started back for Santa Cruz. On their return they traveled as far as the crossing of San Joaquin, when Mr. Doak and Mr. Bonsall, one of his partners, concluded that it would be a good operation to start a ferry at that point. Mr. Doak went to Corte de Madera creek, in Marin county, where the American Government had a small steam sawmill for getting out timber for barracks in San Francisco. Here they procured lumber and built a ferry boat. Previous to this, however, he sent a yawl boat to his partner, Mr. Bonsall, on the river, who used it for ferriage of passengers across the river until their ferry boat was put on. The ferry boat when finished was sailed across the bay of San Francisco and put up through San Pablo and Suisun bays to the mouth of the San Joaquin river, up which it was towed by sending a small boat ahead with a line, which would be attached to trees upon the banks and the parties on the boat would pull upon the line and thus force the boat up the stream. The trip was made in this way in less than a week. After the boat was in position, the rates of ferriage were three dollars for man and horse, eight dollars for a wagon, and single persons one dollar each. The travel across the river at this time was very great, as it was on the

great thoroughfare leading from the mines to the sea coast.

Mr. Doak remained about a year at the ferry, and then built the first sailing boat ever built on the waters of any of the streams emptying into San Francisco bay. Oak trees were cut alongside the San Joaquin, near the ferry, and sawed into lumber by whip saws, and from this lumber the hull of the vessel was constructed. The masts were hauled from Calaveras county, at a point near where San Andreas now is, the two poles that were used for masts costing Messrs. Doak & Bonsall six hundred dollars when delivered at the river. The vessel when completed was of about forty tons burden, and was used for freighting between San Francisco and Stockton. The schooner was called the San Joaquin, and proved to be a staunch craft and a very good sailer, and plied on the bay of San Francisco for a number of years.

In the fall of 1849 Mr. Doak went to San Francisco and purchased a cargo of lumber which had been brought to that place from Oregon. The vessel on which the lumber was purchased was sailed to New York, at the mouth of the San Joaquin river, where the lumber, consisting of 127,000 feet in quantity, was unloaded and made into rafts, and from there floated up the river by the tide to Stockton channel. That feat was accomplished in less than two weeks, advantage being taken of the flood tides, and during the ebb tides the rafts were anchored or tied up to the shore. With this lumber Mr. Doak established the first lumber yard in Stockton, and for a time used his schooner, the San Joaquin, to bring lumber from San Francisco to keep up his supply. Some of the first cargo of lumber thus brought to Stockton was used in the construction of the Stockton House, afterwards known as the St. Charles Hotel.

Until a line of steamers was put on the route from San Francisco the passage was made upon sailing vessels, and the fare was from $10 to $15, and the time required varied from two or three days to as many weeks, according as the wind was favorable or not.

The name of the first steamer that landed in Stockton is

lost in the dim recollections of the past; no person is positive whether it was the Mint, the Merrimac or the Captain Sutter. Judging from what I can learn, I believe it to have been the Captain Sutter. In honor of the old pioneer, General John A. Sutter, was named the first steamer that gladdened the hearts of the early settlers in Stockton, and as she steamed up Stockton channel, with flags and streamers flying, a large and excited crowd collected upon the banks, and cheer after cheer was given for the new comer and her gallant captain with a gusto characteristic of the earnestness of those stirring days. Fastening her cable to a small oak tree then growing upon the bank, the stump of which may still be seen at the foot of Centre street at low tide, she landed her passengers and freight upon the bank. The event was celebrated by a general indulgence in conviviality by the citizens and the crew of the vessel, which, in the eyes of the Stocktonians, was no less in size and importance than the Great Eastern, and if any of the party walked a little crooked and tangled, there were no loving wives at that day awaiting them to snatch them bald-headed at the door, and no zealous police longing to take them in tow.

The event was unheralded, and was a complete surprise to the whole neighborhood. This fact was made known to the writer by a gentleman who, while traveling toward Stockton from the mines, where he had been digging gold, heard the unusual sound of a steam whistle. Presuming that no steam engine was within one hundred miles of Stockton, he in surprise turned to his traveling companions and remarked in language more forcible than polite, "What the devil is that? Is this enchanted ground?" Arriving in the town a few hours after, he found the sole topic of conversation to be the arrival of the new steamer. Reaching the bank of the channel round which was clustered the tent village of Stockton, he saw the pioneer steamer, the advance guard of the fleets of vessels that have swelled the river commerce of this city to more than a million dollars annually, and which must increase ten-fold ere another decade rolls round.

The John A. Sutter was in command of Captain Warren, a man whose genial social qualities endeared him to all who knew him. He was a man well calculated to fill the position of captain, for from the annals of those days we find him afterwards in command of seven different steamers which have from time to time plied upon the waters of the San Joaquin.

Trade increased, and in February, 1850, A. H. Todd, who is now a stock broker in San Francisco, became the agent here of the two steamers, the Mint and Sutter.

We have no means of knowing when the Sutter commenced running, but she was making regular trips in September, 1849. In June, 1850, the Sutter was withdrawn from the Stockton and placed upon the Sacramento route, having netted her owners the snug little sum of $300,000. While on her way to Marysville a short time afterwards she was blown up, a common fate of steamers in those days, and becoming a total wreck was never rebuilt. The El Dorado took the place of the Sutter upon the Stockton route, under command of the same captain. The El Dorado was a side wheel steamer, and had been previously running on the Sacramento river. The rate of fare and freight on these two boats was cheap for the times, but was equal to a small fortune at the present, being $20 a ton for freight and $18 cabin passage, or $12 on deck, if the hardy traveler preferred to sleep in his own blankets and was fortunate enough to possess them.

The passage to Stockton was $25, and to San Joaquin City $30. Business increased so rapidly that two new boats were placed upon the route—the Mariposa in July and the Wm. Roberson a month earlier.

The Mariposa commenced plying as an opposition to the El Dorado and Roberson, the latter having formed a combination to keep up the prices. The merchants of Stockton, among whom were Heath & Emory, Starbuck & Spencer, George G. Belt, McSpedon & Co., Buffington & Lum, Buffum & Co., and others, feeling aggrieved at the high price of freight imposed by the steamers, agreed with the

captain of the Mariposa that if he would run his boat on the Stockton route and carry freight at a reasonable rate they would give him their support. He complied, but when the opposition came down in their rates to $4 a ton they failed to keep their agreement. The result was a new combination of the three steamers and a restoration of the high prices of former times.

Stockton must have been an important post even at that early date, and doing an immense business with the southern mines, as we read that "in the month of April (1850) between two and three thousand people landed at Stockton on their way to the mines." In the fall of the same year seventy teams were counted on the road from Stockton to Sonora, and when we remember the immense capacity of the "prairie schooners" of the west, carrying from five to twenty thousand pounds each, we must concede that Stockton, even in her infancy, was a depot of no small magnitude.

Captain Warren, the pioneer captain of the San Joaquin, realizing the important position of Stockton as the grand center toward which all the trade of the San Joaquin valley should tend, and the immense amount of freight necessary to supply the incoming immigration, determined, in company with others in San Francisco, to build the finest steamer on the San Joaquin waters. For the purpose of buying the engines and fixtures of the new steamer they went back east in November, 1850, and returned in January, 1851. The Santa Clara, this being the name by which she was christened, as she slid from her ways into the bay of San Francisco, was a handsome vessel, and one of which her owners were justly proud. Starting from San Francisco, she made a day trip to Stockton, arriving here early on the evening of the 3d of February, 1851. Her appearance was the signal for an outburst of applause, and the customary hilarity of such an occasion. The arrival of a new steamer in Stockton was the occasion of a high old time. Far away from the refining influence of home and wife, surrounded by the desperado from every clime, iso-

lated from society and all its comforts, teachings and amusements, they rejoiced on every occasion of mirth. This was an extraordinary occasion, as Captain Warren was a favorite with all the citizens. An invitation being extended, as was the custom, the friends of the captain repaired to the boat and drank, sang and toasted "long life to the Santa Clara."

The Santa Clara continued running on the route until March 3, 1851. The day previous being Sunday, she had been on an excursion trip to Benicia, and at half past four o'clock Monday morning the watchman discovered the boat to be on fire. The alarm was given, but of no avail; she was cut loose from the wharf, and, drifting out into the stream, in a short time was a total wreck. Of the total loss by this fire we are not informed, but it must have been heavy, as Warren's loss alone was $60,000. The honor, if such it be (but coming events do not always cast their shadows before), belongs to the steamer Mariposa, of bringing among her passengers, May 7th, the first China-woman that ever trod upon Stockton soil.

Warren, whose energy and perseverance was but a type of Stocktonians, again stepped upon the wharf, March 18th, as master of the Jenny Lind, a neat little craft which had been running to other points in the state, but had now taken the place of the burned steamer. She made the trip up in seven hours, a feat which has never been excelled. The Jenny Lind was a neat side-wheeled boat and was in good hands.

In October the Sagamore made her appearance to compete for the trade of the San Joaquin, but her life was short and her end tragic. She had just started from the wharf in San Francisco, November 1, 1851, heavily loaded with freight and crowded with passengers, when a terrible explosion of her boilers instantly converted her into a perfect wreck. The loss of life was terrible, more than fifty persons being either killed or severely wounded. The calamity was attributed to the carelessness of the engineer. The same evening the Mariposa on her way up was run

into by the steamer West Point in Suisun bay, and sunk to the water level. She was afterwards towed into shallow water, her passengers having been transferred to the El Dorado. A steamer called the Tehama took the place of the Sagamore, and the El Dorado reduced her fare to $12 cabin and $8 deck passage.

Two new steamers appeared at the wharf in December, the Erastus Corning and the San Joaquin. The Mariposa, having been repaired, again solicited patronage in January 1852. To presume that cheap fare to the metropolitan city is confined to the present time is not borne out by facts, as the Erastus Corning (January 2, 1852) reduced her deck fare to $1 50. The San Joaquin then offered to carry passengers for nothing. It is strange how often events repeat themselves. The history of a single decade is often the history of each succeeding decade for a century of time. The opposition and rivalry of steamboats in the early days of traffic have been repeated time and again by the old and the new steamship companies and competing lines, and thus it will ever be as long as the river forms a means of communication between the valley and the bay.

Stockton has contributed largely to the river craft of the State, and it would be an unpardonable oversight in writing of navigation in early days to neglect to record the history of Stockton shipping. In 1850 the occupation of shipbuilding, an industry which has since brought a revenue of many thousands of dollars to this city, was begun by Wm. Emmons by the construction of a small sloop of twelve tons burden, on the banks of the slough near the old St. Charles building. The vessel was named the Mary Mason, in honor of the eldest daughter of J. M. Buffington, the launch taking place on the birthday of the young lady, May 13, 1850.

In 1860 the population of the valley was being augmented by thousands of people from the failing mines, seeking fortunes in the rising industry of agriculture, and the business of boating up the San Joaquin became a very profitable one. Mr. Davis, having returned to Stockton, resumed boat building as a steady occupation. He is the

pioneer steamboat builder of San Joaquin county, and a little steamer of forty tons burden, called the Eureka, was the pioneer steamboat. The Eureka was built for Mr. Ling as a freight and passenger boat to run up the San Joaquin river. Business being brisk, another steamer was built for the same party, bearing the genteel name of Christina. The owners of Stockton steamers seem to have a decided fancy for feminine names, ten of the twenty-six steamers launched by Mr. Davis being named after the gentler sex. A schooner was launched into the slough in 1864 for Simpson & Gray, designed for the lumber trade. The war being then in progress, the name of U. S. Grant floated proudly from the mast of that forty ton vessel. The same year the steamer Relief sailed from port for the first time. The next year two barges and the steamer Fresno slid from the ways into the channel. In 1866 the steamers Mary Emma and Cora were launched. The former, of forty tons register, was named after the daughter of our enterprising townsman, J. D. Peters. Cora is the only side-wheel steamer of the list. She is 250 tons register, and was built to the order of Philip Caduc, of San Francisco, and Captain T. C. Walker, of Stockton. In 1867 the steamer Tulare, 125 tons, the barge Paradise, propeller Minnehaha and the steamer Bessie, a little pleasure boat, built for D. Meader, were floated on the tide. The Tulare was originally built for a barge, but was converted into a steamer. In 1868 steamboat building had reached its hight, there being turned out during that year five steamers and one barge, viz: Clara Crow, of 45 tons burden; Chin-Du-Wan, 230 tons; T. C. Walker, 200 tons; Enterprise, 150 tons; Empire City, 125 tons; and barge Stanislaus. The Chin-Du-Wan is 155 feet long, and was built for Captain Rodgers for the Colorado river trade, but San Francisco capital being required to complete the vessel, she remained in this State to annoy the California Steam Navigation Company as an opposition boat, and amuse the idle crowds on the wharf with her steam calliope and her prize-fighting runner.

The close of 1869 found the list of Stockton vessels aug-

mented by the steamers Tuolumne City, Harriet, Helen and barge Louisa. In 1870 the contract was let for the Russian steamer Merchant, which was shipped in pieces to the Amoor river, Siberia. The Clara Belle came into fame the same year and is still engaged in the up-river trade. In 1872 but one steamer, the Emma, of 60 tons register, was turned out. Trade livened a little the following season and two barges and the tug Frolic were built. The first Russian steamer having given thorough satisfaction two more steamers were built and sent to the same place in 1874—a signal triumph of Stockton mechanics over shipbuilders of San Francisco. In 1875 three barges and two steam dredgers, Goliah and Sampson, were built, the last two having been designed for the reclamation of Roberts' Island. No name could have been more appropriate than the City of Stockton for the large and elegant vessel launched by Stockton mechanics in 1876. The City of Stockton is 175 feet long and 53 feet wide, with a carrying capacity of 600 tons, being five feet wider and twenty feet longer than the celebrated steamer Helen Hensley. The steamer Centennial was built the same year as a companion boat to the Stockton, both being built for the modern California Steam Navigation Company. A fourth steamer was also built for the Russians during this year. No steamers were constructed during 1877, but in 1878 the Herald flung her pennant to the breeze. All the vessels I have named were built by Stephen H. Davis, at his ship yard on Lindsay point. In 1861 a steamer known as the Arrow was constructed by Walker & Kidd, and from time to time other boats have been built by other parties, the details of which are not readily available. C. M. Small has built a number of excellent vessels, of which I know only the Alice Garratt, the C. M. Small, and the Mt. Eden, the latter having been built for Barron Bros., of Eden Landing, Alameda county, for whom S. H. Davis had previously built the Emma and Ellen. The crowning glory of steamboat construction in Stockton is the magnificent steamer Mary Garratt, launched in June, 1878, for the California Steam Navigation Company by Captain Domingo Marcucci, her present commander. She excels all other river craft in the

state for strength, quality of material, beauty of model and excellence of finish.

It was evident to all far-seeing men that Stockton in the future was to be a city of great importance in the young, flourishing State, for even at that time steamers aggregating more than 1,000 tons burden were running from Stockton to San Francisco. These, together with a large number of sailing vessels, formed an important part in establishing the immense maritime trade of the present day. On the 26th of April, 1852, another new steamer, bearing the name of the founder of Stockton, lay at the wharf. It is not necessary for me to repeat her name, for C. M. Weber is known to every '49-er, as the original owner and first settler in Stockton. The Little Fawn, it will be remembered came to this city July 23d, and made daylight trips to the bay, and a week after the low-pressure steamer S. B. Wheeler, Charles Spear, master, sailed into port. The 12th of August, '52, was an eventful one in history, as on that day the citizens of Stockton received, for the first time, the daily papers from the bay the same day of issue. Then the telegraph was not in use, and the news was one month old from the East; now the lightning flash speaks to us news from all the world the same day of its occurrence. In this grand thought we had almost forgotten to record that the Sophie was the steamer to whom the citizens were indebted for these favors. Her captain was McLane, and from the record we presume him to have been the McLane so well and favorably known in other years in connection with Wells, Fargo & Co. The two last-named boats were presumed to be the fastest boats in the trade, and many a hotly contested race took place between them. The races were interesting and were enjoyed by all classes, from the stern judge to the reckless gambler. It was a theme of conversation, and as money was plenty and gamblers anxious to strike it rich and make a stake, thousands of dollars were bet on the result of the race.

The Chinese first made their appearance in large numbers in January, 1852. The Kate Kearney at that time

brought up a large number of passengers (250), including these heathen.

It had been presumed that the channel of the San Joaquin river was too shallow and winding for steamers of large tonnage to reach Stockton. The impracticability of the feat seemed to have been demonstrated, as the small steamers were often shoaled in the fall of the year by low water, and the citizens were surprised and astonished to see a large steamer move up the slough and glide up to the wharf March 16th. She was in command of Captain John Van Pelt, an able seaman and a man who would surmount all difficulties. The Thomas Hunt, 413 tons, was tho largest steamer that had arrived in Stockton. No difficulty was encountered in her up trip, she making the distance from San Francisco in eight hours, a rate of speed not excelled at the present time. The landing of this steamer brought about a new era in the history of shipping, the fact was established that large steamers could run successfully, and as soon thereafter as they could be built (1854) the California Steam Navigation Company was formed, and placing on the route the handsome fast steamers Cornelia, J. Bragdon, Helen Hensley and Julia, controlled the river trade, until the grand continental railway reached the metropolis of the Pacific Coast.

On the 28th of June, 1853, Captain Conklin, then master of the Henry T. Clay, went East to superintend the building of a new steamer, which on the 28th of October swung with easy and graceful motion into her berth at Stockton. This beautiful boat was at that time the finest steamer in California and an honor to the young lady whose name she bore, Cornelia, the eldest daughter of Captain E. Conklin. The Cornelia was built in New York, and being fitted with masts sailed around Cape Horn.

In 1853 the Urilda and Kate Kearney were engaged in the river trade.

In November, 1853, the owners of the Sophie, H. T. Clay and Kearney, raised the price of freight by their

boats to $8 a ton. The commodious side-wheel steamer Helen Hensley, commanded by Captain Whitney, was placed upon the route January 9, 1854, and her arrival was the leading event of the times.

California has ever been the prey of soulless corporations and monopolies from her earliest organization as a state, and no city of the commonwealth has suffered more severely from the injustice of corporations than has Stockton. Only a deep-rooted vitality has preserved her from the oblivion which her enemies have measured out for her. The original California Steam Navigation Company organized in San Francisco March 1, 1854, with a capital stock of $2,000,000, in shares of $1,000 each, purchased every river steamer in the state and secured complete control of the traffic of inland waters. The citizens of Stockton hailed the organization of the company gladly as a relief for all their past troubles, in the matter of freights and fares, but they little realized what they were yet to bear. Previous to this time the steamers had been irregular in their trips, the clerks unaccommodating and surly, the captains careless of the lives of their passengers in their desire to gratify their racing propensities at the risk of explosions that were constantly liable to occur. The Stockton Times, commenting upon the latter phase of the situation, says, "enough of our race have been already murdered by steamboat racing," and there was a general feeling of relief when the control of traffic passed into hands with whom this danger was not to be apprehended. The company lowered the price of freight to six dollars a ton and placed the Cornelia, the American Eagle, the H. T. Clay and the Sophie upon the Stockton route, the two former leaving every Monday, Wednesday and Friday, and the latter upon the alternate days.

On Saturday, December 30, 1854, a notice appeared in the morning paper that a public meeting would be held in the City Hall that evening "for the purpose of a general consultation relative to building steamers for the Stockton trade." This call was signed by sixty-four firms. About

eight hundred citizens attended the meeting, which was a thoroughly earnest one. A company was formed and they purchased a steamer called the Willamette and "every citizen began to thank the day of his deliverance," said a contemporaneous chronicler. On the appearance of the Willamette the California Steam Navigation Company immediately reduced the price of fare to and from Stockton to $2 in cabin and 50 cents in steerage, while the fare by the Willamette was $3 cabin and $1 on deck. On the 8th of February a consolidation was formed on the Sacramento, and the price of fare by the C. S. N. Co. was raised to $7 cabin and $4 deck passage. In the meantime what had become of the Southern Miners' Steamboat Company? In the latter part of March, after the organization of the People's Line, a meeting was held in the City Hall. No one could be found who had called the meeting, and none seemed to know the object for which it was called. After a few speeches the meeting adjourned. The scheme which had been started with such enthusiastic demonstration proved a signal failure, and monopoly continued to rule. On the 20th of April, 1855, the John Bragdon appeared at the levee as a regular boat of the California Steam Navigation Company.

These boats, with the addition of the Paul Pry, continued to run regularly until 1864. In October of that year the Julia, under the command of Captain Conklin, lay at the wharf, and she took the place of the Cornelia.

September 28, 1869, the Amador made her first trip from San Francisco to Stockton. She was the finest of all the boats that had run to Stockton during the fifteen years, and cost $150,000.

The Julia and the Amador coined money for their owners. Carrying freight at $5 per ton, they cleared often $2,000 a trip on freight alone, besides $6 for passage. When the railroad was completed the mails were sent by that route and the rate of passage was lowered to $2, and when the Central Pacific began to tighten the coil which had wound around the commerce of the state by purchasing all of the

steamboat lines, the California Steam Navigation Company disincorporated, and the members retired to live on the thousands it had made for them.

The twenty years' history of this company is one of pride. Their accommodations were excellent, their arrangements perfect and their officers were kind and obliging to all.

Mr. Arthur Cornwall, of this city, was a pilot on the Sacramento in 1849, and for many years was in the employ of this company on the Stockton route. Since his retirement from the service of the company and from navigation, he has made out a list of 117 steamers that have floated on the waters of Stockton, and carried away the produce of her soil.

The Central Pacific withdrew all the large steamers and put the Tulare on the route, to connect with the large steamer from Sacramento at Antioch. This arrangement as carried on was an insult to Stockton until 1873, when, through the enterprise of some of our citizens and the efforts of Captain T. C. Walker, the Alice Garratt was built to ply between Stockton and San Francisco.

The Tulare continued to run, but day by day she left the wharf without freight or passengers, and finally, in 1876, the railroad withdrew their boat and gave up beaten on the waters of the San Joaquin, the last boat leaving amid the jeers and groans of the crowd.

A company was soon formed, taking the name of California Steam Navigation Company, for the purpose of navigating the waters of the State. They filed articles of incorporation August 29, 1876, with a capital of $500,000, divided into shares of $100 each.

The Board of Directors were T. C. Walker, Dan'l Henry, S. H. Fickett, of Stockton; and Wm. T. Garratt and C. J. Henry, of San Francisco. The officers were T. C. Walker, President and Treasurer; W. T. Garratt, Vice-President; and G. A. Carleton, Secretary. Two steamers were now put on the route, the Alice Garratt and the Hattie Fickett. The latter steamer was built in Stockton for a freight boat, and was named after the daughter of Dr. S. H. Fickett. The

Alice was named after the wife of W. T. Garratt. The City of Stockton was built in 1876, and is the largest boat ever built in Stockton. In the same year the Centennial was built as a private freight boat for Walker and Garratt. In 1878 Mary Garratt was honored by having a boat built and named after her, and these boats are still on the route and are well patronized.

Opposition has often been put on against both the old and the new company, and their names have been Enterprise, Onward, Pride of the River, Herald, Chin-Du-Wan and Yosemite; but it has only been for a time, creating cheap fare and excitement. The commerce of the country is now divided in its means of transportation between the river and the railroad, but the former will always have the preference on account of its cheapness.

In 1850 vessels and steamboats were constantly plying between Stockton, Jacksonville, Crescent and Tuolumne City, the latter being the unsuccessful competitor of Stockton. The rivalry existing between these two points was so sharp that newspaper correspondents were discussing the relative merits. The Georgiana, San Joaquin and R. S. Robertson made several trips up the river in 1850–51, but it being impossible to form a settlement, no regular trips were made until it became a wheat section. The Eureka was the pioneer of the up river steamers that are now bringing their tons of wheat from the southern parts of the San Joaquin valley. As we have already noted, in 1852, the town on the river above Stockton being a failure, up river navigation ceased to be profitable. In 1860 the cultivation of wheat was begun in Stanislaus, Merced and Fresno counties, but it was only in limited amount, as they were obliged to haul it to Stockton, in some cases 100 miles. Then it was the Eureka was built and ascended the river to bring the wheat to Stockton. The trade increased and another steamer, the Christina, was built, and also barges, the latter being towed by the steamers. Grain growing had now become the staple occupation of the people (1866), and the steamers and vessels were unable to carry

it to San Francisco, and other steamers and barges were built to supply the demand for tonnage to the bay. The little tugboat Frolic was built by Messrs. Cornwall, Peters and Brooks at a cost of $9,000, to tow sailing vessels loaded with wheat to deep water. An opposition coming in for a share of the trade, the company built two barges and began towing wheat to San Francisco. This enterprise started a number of men, under the lead of John Gawne, to organize the Stockton Transportation Company, and they built the Jennie Gawne, tugboat, and several barges, the largest being 600 tons.

CHAPTER XXV.

CHRISTIANITY.

Amid the scenes of crime and dissipation that were everywhere prevalent in the summer of 1849, it is pleasant to record Stockton's first sermon. To the Presbyterian Church belongs the honor of first preaching the "Glad Tidings" to Stockton pioneers. The Rev. James C. Damon, then seamen's chaplain at Honolulu, arrived in San Francisco, and, visiting Stockton, preached on board a storeship, moored along the banks, on Sunday, July 12, 1849. It had been announced through the camp, and on that bright Sabbath morning men gathered, from feelings of devotion, curiosity, weariness and mockery, to hear the first sermon preached in San Joaquin. The text was Galatians, ch. vi, 7–8 verses—"Be not deceived, God is not mocked; for whatsoever a man soweth, that shall he also reap." No more appropriate text could have been selected, and it had its effect. In ten months from that day the Sabbath bell pealing over the city invited all to worship and praise.

In December, 1849, Rev. James Woods arrived in California on board the ship Alice Tarlton, the American Board

of Missions having appointed him to this coast. After remaining in San Francisco for a few weeks he landed in Stockton in January, 1850, bearing a letter of introduction to Captain Weber from Mr. A. J. Grayson, after whom the town of Grayson, on the San Joaquin, is named. He obtained accommodations for himself in a boarding house kept by a Methodist gentleman, named Chapman. In this house his first prayer meeting service was held.

Mr. Woods at once made the acquaintance of Captain Weber, and explained his purpose of organizing a church. Weber heartily acquiesced in the project and promised his assistance.

To support the pastor a subscription list was started, and Captain Weber signed for $25 per month. Mr. Woods immediately commenced his ministerial labors. As there was no church, hall or accommodations of any character, he was obliged to select some store as the place for holding the first Presbyterian Church service in Stockton. Observing a large tent on the lot where afterward stood the St. Charles—having this sign: "A Temperance Store," and thinking temperance next to religion, he obtained permission to preach his first Sunday sermon in that place.

This store was kept by Captain Atwood, an old sea captain and Baptist minister, who afterward was the pastor of the Baptist Church. In the back part of the tent, separated only by cloth, a blacksmith in his shop was putting $32 shoes on a horse while the service was being held.

The singing on this occasion was accompanied by a seraphine, in the hands of Mr. Jerry Mansfield, now of Napa.

Mr. Woods sought for another place on the following Sunday. This was a much larger store, and seats were made of whisky barrels full of whisky.

In three weeks after his arrival Mr. Woods began the work of organizing a church. Calling again on Captain Weber he solicited the donation of a church lot. Weber's answer was, "Get together some of the principal men of the town and then come to me." A meeting was called of

those interested in the erection of a Presbyterian church building, and a large number were in attendance. As the result of this meeting Mr. Woods was appointed sole committee to take charge of the enterprise, as men were willing to give of their money but not of their time. A lot was selected and Captain Weber donated it to them. The lot contained a quarter of a block, but was afterwards mortgaged, then sold, and is now occupied by a handsome two story brick building.

The enterprising clergyman, with a bag of gold dust, visited San Francisco and purchased the frame of a large warehouse. The church was then built, fronting on Main street, at a cost of $14,000. The subscription was started in February, and so rapidly did the work progress that in ten weeks from that time the edifice was dedicated. The building was 26 by 50 feet, and the architect and superintendent, J. M. Buffington, received $16 per day and his carpenters $12. After Rev. Mr. Woods had been preaching for about two months in private houses and stores the First Presbyterian Church was organized in the Mount Vernon House, March 17, 1850. Martin Potter was elected ruling elder and Peter Nodine deacon. These two men were then ordained by the pastor, and Ralph Whittlesey, J. S. Auger, Levi Merriman, Samuel P. York, Ezra E. Washburn, S. W. Foster and Eliza Ann Woods accepted them as their presiding officers.

Sunday, March 5, 1850, was an important day in the annals of Stockton, for on that day Christianity took root, henceforth to shed its lustre over a growing city. A few days before a flood had swept over the plains and it had been impossible to reach "the little brown church under the trees," except by boats, but now a bridge had been built and over it passed men who had not heard the gospel sound for years. A steamboat bell was borrowed for the occasion to call together the worshippers. The pastor's text on this occasion was John 18, 38: "What is truth?"

Mr. Woods remained as pastor of the church until March 26, 1854, when he preached his farewell sermon.

His place was supplied by Rev. Wm. C. Mosher, who occupied the pulpit until January, 1856, after whom Mr. Davis filled the place until April, 1858; then the Rev. John A. Anderson was elected pastor.

To this gentleman the church is indebted for the handsome edifice in which the services are now held. He put his shoulder to the wheel, and in eleven months after he was elected the contract for a new brick building was let. The reverend gentleman superintended the work, and June 10, 1859, the corner stone was laid by the Masons with appropriate ceremonies, the oration being delivered by Rev. David F. McDonald, rector of the Episcopal church. This church building is the finest in the city, except the Catholic church, and cost $17,000. It was dedicated on Christmas, 1859.

Mr. Anderson resigned in 1862, and accepted the position as Chaplain of the Third Regiment, California Volunteers. Dr. R. Happersett was the pastor until 1865. Soon after he took sick and died in the study of the church. It was during the pastorate of Dr. Happersett that the church organ was purchased in Boston, at a cost of $2,500. It is the largest organ in the city, having two manuals, twenty-two stops and full pedal organ. The first organist was H. B. Underhill, who filled the office for nine years. The present organist is Miss Maggie Hubbard, a skillful player and an accomplished lady. The sixth pastor was J. A. Skinner, who was superseded in October, 1869, by Rev. B. E. S. Ely. He was attentively heard by large congregations until 1872, when, on the death of his wife, he returned to Chicago. The Rev. J. Robinson, a young Protestant Irishman, just from Oxford College, England, then occupied the pulpit four years, and after him L. Y. Hayes, who preached his farewell sermon September 22, 1878. On the 20th of March Rev. Robert McKenzie from Indiana accepted the call. Mr. McKenzie was the finest pulpit orator ever in Stockton. The church was full at every service. His excellence becoming known in San Francisco, the influence brought to bear on him was such as to force him to relinquish his labors in

Stockton and take up his residence with the Howard Street Presbyterian Church, San Francisco, May 1, 1880.

CENTRAL M. E. CHURCH.

This church was started through the instrumentality of one gentleman, who, on bended knee at the family altar, promised his Creator that if his life was spared he would honor Him and serve Him in his new home.

Arriving in Stockton September 5, 1849, Mr. J. C. Westbay, alone among strangers, in a wicked land, pitched his tent near where the Central M. E. Church now stands, and that night, by prayer and singing and reading of the bible, he dedicated his tent to God. Four days after this he became acquainted with two Methodist brothers, John Remer and George Pierce, and it was decided to have a prayer meeting in the tent. About seventy persons were in attendance, anxious once more to join in the praise of the Savior of men. While they were engaged in their worship the attention of a Southern Methodist preacher named Hopkins, who had just arrived from Tennessee, was attracted by the singing, and, pushing his way through the crowd to the center of the tent, he thanked God that he had found some who were assembled in the name of Jesus. Hopkins preached a short sermon, and protracted meetings were held until the rains set in, and then they were discontinued.

Preaching was soon afterward resumed in the house of Mr. Green, corner of San Joaquin street and Weber avenue, and of Mr. Dickinson, on Commerce street. Mr. Hopkins continued preaching until James Corwin took charge of the class. Corwin, who was called "Uncle Jimmy Corwin," like many other ministers of that day, had a trade, earning his $12 a day as a carpenter. He made good use of his trade, for he was soon building a Methodist Church. The Methodist Conference, hearing of this faithful little band of Methodists, sent Elder Isaac Owen from San Jose to organize a Methodist Church. He arrived here on March 16th, and hearing that the Presbyterians were in-

tending to organize on Sunday, he organized on the day of his arrival (Saturday), and thus the Methodist Church is the pioneer church by one day.

Elder Owens found that the little band had already formed a class, and held class and prayer meetings, and the following Trustees were elected: Joseph Lamden, J. C. Westbay, Upton Reamer, "Uncle John Andrews," and Dr. Radcliff. James Corwin was appointed pastor, and the little church started on its way.

Corwin, taking a few good singers with him, among whom were Reamer, Westbay and Philip Groves, was accustomed to visit the levee, where teams were being loaded, on Sunday mornings, and there he had held religious meetings. These meetings had a good effect, for the singing attracted a crowd and men stopped work to listen. This Brother Groves was a devout Christian, and while on his way to San Francisco on one occasion some one asked him who he was; Brother Groves responded: "I'm a Methodist, a Whig and a blacksmith—Glory to God!" Although the Methodists were organized the first, they did not have the building, but they were not far behind. The northwest quarter of the block on which the Franklin Public School now stands was donated to them by Captain Weber, and under the management of Corwin a church costing $12,000 was built, and dedicated July 28, 1851.

It is well known that in the church system of the Methodist denomination a pastor cannot remain over one charge longer than three years nor less than one year. There have been fifteen changes up to the present time. From 1851 to 1860 the church had the following pastors:

Wm. Morrow, 1851—1852; H. C. Benson, 1852—1853; George S. Philips, 1853—1855; S. B. Rooney, 1855—1856; P. G. Buchanan, 1856—1858; J. B. Hill, 1858—1860.

When the church was built it was near the center of population, but in the spring of 1860 it was thought best to move to a more central portion of the city. A lot was purchased on the corner of San Joaquin street and Weber av-

enue, and the church building was removed to its new location, where it was remodeled and enlarged—the total expense being $4,368. In this new location the following pastors had charge:

D. A. Dryden, 1860—1862; J. W. Ross, 1862—1865; David Deal, 1865—1867.

The popularity and patriotism of these pastors had largely increased the congregation of the church, and this, added to the increase in population, caused the demand to be made for a larger audience room. Agricultural Hall was purchased for $22,000 and fitted up as a church, having Sunday school room, parlors, pastor's study and library room. The assembly room will seat 800 persons, and is intended for a lecture room when the second story is built and the church finished according to the original design. During the summers of 1868 and 1869 the building was rented for the storing of grain, realizing for the church about $8,000. The new church was dedicated on the first Sunday in January, 1870, by Rev. M. C. Briggs, assisted by Dr. Thomas and the pastor, Rev. J. H. Maddux.

Rev. C. V. Anthony was pastor from 1870 to 1873; Rev. H. B. Heacock, from 1873 to 1876; Rev. T. S. Dunn, from 1876 to 1879.

Rev. John Coyle is the present pastor, and is one of the most attractive speakers ever in a Stockton pulpit.

The Sunday School of this church numbers about 300, and is in a flourishing condition. The principal Superintendents have been J. M. Buffington and Edward Moore. The present Superintendent is C. M. Keniston. The school was organized in 1851. The first Sunday School celebration ever held in Stockton was held on Sunday evening, June 28, 1854, when 100 children were on the stage—in songs, recitations, etc. Miss L. M. Westbay made the last speech upon that occasion, and asked for money to help carry on the school.

ST. JOHN'S EPISCOPAL CHURCH.

The Rev. O. Harriman has the honor of having held the

first Episcopal service in Stockton, on Sunday, August 25, 1850. They had met in the court house, and at the close of the evening service a number remained and requested Mr. Harriman to organize a parish church, to be called St. John's Church. He did so, and the following church officers were chosen: R. K. Eastman and J. M. Bissell, wardens; Messrs. McCracken, Ward, Schenk, Knight, Lansing, Prentice and Freeborn, vestrymen.

Mr. Harriman remained for a month trying to sustain the little parish, but the disciples of the English church were few in number and he failed for want of support.

The Episcopalians continued to hold service in the court house, Mr. J. M. Bissell conducting a lay service until July 12, 1851, when the service was "permanently located in the Corinthian building, first floor, adjoining the post office." This room was known as "St. John's Chapel." February 27, 1852, another movement was made to organize, and subscriptions were taken up to defray the expenses of a rector, but the project was not successful. Mr. Bissell continued to act as lay reader until the Spring of 1853, when he removed from the city. During the time Rev. John Morgan and Rev. O. Clarke had preached several times, and in the month of February, 1853, the church was supplied with a rector for four months, the Rev. John Reynolds of San Diego officiating. The Rev. John Morgan then returned and preached until September.

On the 18th of February, 1854, Bishop Kip made his first visit to Stockton and preached in the present court house. A large audience was in attendance, and by the preaching and the attendance enthusiasm was instilled into the disheartened laymen, and they requested the bishop to provide them with a clergyman. The church was represented in the convention by W. H. Glover, and in response to the request the Rev. Joseph Large, from Indiana, arrived in November, and preached his first sermon in the court house November 19, 1854. Mr. Large remained until April, 1856, when he resigned, and Rev. E. W. Hagar accepted the call, and remained until May

1859. The "little brick church on the corner" is an evidence of his labors. Captain Weber donated two lots on the corner of El Dorado and Miner's avenue, and the church purchased a third. Mr. Hagar at once contemplated the erection of a building and subscriptions were obtained, each subscriber receiving an equivalent in pew rent. The corner stone was laid September 9, 1857. The ceremony was performed in the presence of about three hundred persons. The beautiful and impressive ceremonies of the Episcopal Church were read by the rector, Rev. E. W. Hagar. In the corner stone prepared for the purpose were deposited the following articles: A volume of the Common Prayer, a copy of the San Joaquin Republican of September 9, 1857, a copy of the Stockton Argus of the same date, copies of several other journals in the state, a list of the church vestrymen, etc., and a number of coins. The cap of the principal stone was then placed in position, and the deposits left to tell a future generation of the solemn ceremonies of laying the foundation of St. John's church.

It was dedicated June 22, 1858. The cost was $10,000, including stained glass windows, and a chancel window which has no superior of its size in the United States. On the departure of Rev. Mr. Hagar, Rev. James McDonald became rector. During his pastorate the iron fence around the lot was purchased for $1,900, and the first pipe organ in the city was bought at a cost of $1,700. Mr. McDonald departed for other fields of labor in March, 1862, and two months afterward Rev. J. G. Gassman was conducting the service of the church.

"I find no record of the time when Mr. Birdsall was called to the rectorship of the parish, but judge that he came here in June, 1866. His resignation was tendered in June, 1868.

"The most marked event of his stay here was the strong stand he took in regard to the music of the church. In order to make it Congregational he procured the removal of the organ from its original place in the gallery to the

corner of the church where it now stands. This move excited much opposition, but we think all must admit the act to have been a most judicious one. We know that the organ has a most unsightly look where it is, but that the musical effect is by no means as good as when the organ has brought the music into the midst of the congregation, and makes the choir a part of the congregation; then it contributes largely to the excellent music we now have in our church.

"After Mr. Birdsall's departure services were maintained here by the Rev. Dr. Breck and others from Benicia, until March, 1869, when the Rev. Wm. P. Tucker entered upon the rectorship. He resigned June 6th, 1870, to accept the head mastership of St. Augustine's College, Benicia.

"From this time to September of same year the church was closed, when the Rev. E. Birdsall again took charge of affairs here, resigning July 1, 1872."

On the 9th of August, 1872, Rev. H. L. Foote became the rector, and resigned in October, 1876. Under his charge the parish prospered, and the condition of the church, financially and spiritually, was in a better condition than ever before.

On the resignation of Mr. Foote, Rev. Elias Birdsall became rector for the third time, and still continues. In December, 1878, the organ was again put in the gallery built for it, where it now stands.

Mr. R. E. Wilhoit and Mr. W. B. Austin are the church wardens. Dr. Shurtleff, S. W. Sperry, R. B. Parker, William Woolsey, William Hickman and William Graham are the present Vestrymen.

The present choir of the church is a quartette of young persons, all but one of whom were reared in Stockton. Mr. S. D. Waterman has been the organist since 1870.

H. W. Taylor is Superintendent of the Sunday School, which numbers about 100.

ST. MARY'S CATHEDRAL.

Catholicism is generally in advance of Protestantism in

bearing the banner of the Cross to new countries, but in San Joaquin they were months behind the Presbyterian and other denominations. Late in 1849 a Catholic priest, on his way to the mines, visited Captain Weber at his residence, and, by request, held the first mass.

No further service of this church was held until December, 1850, when Father Vilarassa of the Dominican order came to Stockton and organized a Catholic church in the house of Mr. Den on the peninsula, now the residence of Mr. J. B. Hall. He remained for two or three weeks holding services, and then left. Shortly after a party of French emigrants came from San Francisco and settled in Stockton. In this party was a priest named Father Blaive. Finding a church organization here without a priest, he was requested to remain, and by the Bishop of Monterey was appointed the first regular pastor of the church. In 1851 a house of worship was erected for them on the northwest corner of Hunter and Washington streets.

Father Blaive remained as pastor for three years, and then returned to San Francisco and founded the French Church of Notre Dame, and now sleeps at Lone Mountain. Captain Weber donated the one-half block where the church and parsonage now stand to Bishop Alemany for the use of the church. The succeeding priests were Father Maurice and Father Gallagher. Of this priest be it said to his honor that he would associate with the Protestant clergy, and on one occasion took part in a service in the Presbyterian Church.

The beautiful building now used by the Catholics, and one of the finest church structures in the State, was commenced in June, 1861, and the corner stone was laid with appropriate ceremonies on Sunday, July 21st, of the same year. Within the stone were placed the papers of the day, old coins, a lead pencil nineteen years old, and the following record, written in Latin and English:

"To God the Greatest and Best, to whom we look for an auspicious and happy conclusion to this work. In the year of our salvation, 1861, on the XII ides of July, being

the 9th Sunday after Pentecost, feast of St. Praxides, Virgin and Martyr, Our Most Holy Father Pius IX, the Sovereign Pontiff, reigning; Abraham Lincoln, President of the United States of North America; John G. Downey, Governor of California; E. S. Holden, Mayor of the City of Stockton; Rev. Joseph Augustine Gallagher, of this Church of St. Mary; Thomas England, Architect of the building; Rev. Hugh P. Gallagher delivering the sermon. The Most Rev. Joseph Sadoc Alemany, D.D., first Archbishop of San Francisco, laid this corner stone of the Church of St. Mary. The Rev. Peter Loga, of Sonora, Mexico; the Rev. Pastor J. A. Gallagher and a large concourse of the faithful and fellow-citizens."

The main portion of the building, 49x67 feet, was then built, including the bell-tower, and the pioneer church was removed to one side, where it still remains. In 1864 Father Motter became pastor. In 1870 the members had so increased that Father John F. Cassidy was sent up as assistant pastor. In 1873 Father Motter went to Italy, and the church was placed under the charge of Father W. B. O'Conner, a young man of very liberal views on religion, and esteemed by all who made his acquaintance. He is still the pastor, with Father Walsh as assistant. This large edifice is of Gothic architecture. It has cost thus far $50,000, and is not nearly complete. At the dedicatory services the estimated attendance was over 2,000. The membership of this church extends through the county and numbers over 5,000, with an average congregational attendance of about 1,000.

FIRST BAPTIST CHURCH.

On the 1st of October, 1849, Rev. O. C. Wheeler, a Baptist minister, sent a letter to Captain Weber asking the donation of a lot for the organization of a Baptist Church. Mr. Wheeler seems to have been very presuming in making this request, and very visionary in his ideas, for he agreed to build a church, furnish a bell and place a town clock in the tower. This action was at least fanciful, in

view of the fact that the city did without a town clock for eighteen years.

No further action was taken until 1853, when Rev. J. B. Saxton and wife arrived in Stockton, and preached the first Baptist sermon in February of that year. A number of Baptists were found in town, and they met in a private house, where Judge Byers now lives, on the 6th of March, 1853, and organized the First Baptist Church. The following are the names of the persons who were present: J. B. Saxton, Mrs. Saxton, Madison Walthall, James Bonsall, Delia Sarles, J. M. North, Anna E. Gage and a colored man named Charles. They also agreed to admit twelve other persons by letter, among whom were B. W. Owens, W. W. Webster, Elizabeth Walthall and Martha E. Merrill. This gave them a membership of twenty, and on April 20th they were recognized as being in fellowship with the Baptist Church of the United States. In May, 1853, they purchased a wooden building on Centre street, adjoining the Weber House, that had been in use as a *fandango*, and fitted it up for a church. They elected Messrs. Owens, Walthall, Webster, Bonsall and R. Block trustees, and B. W. Owens and R. Block deacons. The Sabbath School was organized April 9th, 1854, and H. H. Rhees was elected Superintendent. For more than twenty years this school has been under its present Superintendent, Mr. E. R. Stockwell. He has grown gray in the service of this school, and his labors have not been unrewarded.

On November 4th H. H. Rhees, who had been a practicing lawyer, was ordained a minister of the gospel. J. B. Saxton having resigned, Thomas Atwood accepted a call, and was ordained pastor of the church October 28, 1856. He resigned unwillingly in September, 1858, and Rev. Clarence King delivered his first sermon in December. In July they built a parsonage, which is still in use. They soon concluded to erect a fine church building. The old building and lot was sold, and in 1860 was the headquarters of the Lincoln Club.

In 1855 Weber donated the lot on which the parsonage

now stands to the church, and they acknowledged the gift through the papers, being the only church that in that manner acknowledged Weber's generosity. In 1860 they purchased the corner lots for $900, and began the erection of an edifice whose spire reaches high in air, the gilded hand of which points to a better land. D. B. Cheeny, of San Francisco, conducted the services of laying the corner stone, September 26, 1860. The building was dedicated June 23, 1861. Rev. Mr. King was the pastor for eight months in the new building, and then removed to Oregon. Rev. Charles R. Hendrickson was then the pastor till December 30, 1866. He was very popular when here, and delivered the funeral oration of Lincoln in 1865. He accepted a call from the Second Baptist Church, San Francisco. Rev. J. Henry Giles filled his place until 1869. Rev. S. B. Morse was his successor. He resigned in October, 1877, after a very successful pastorate. His resignation was regretted by the community at large, as well as by the members of his own congregation. The present pastor is Rev. F. W. Barlow.

THE SOUTH M. E. CHURCH.

The history of this church is brief, for the facts that I have been able to gain are very meager. Its progress has been slow—downward, perhaps, rather than upward—and from two causes. First, it was known to be in favor of slavery, and these principles in a strong anti-slavery community were not conducive to the strength and prosperity of this denomination. The cause of their decline in 1860 was the same that now gives the Northern branch of the M. E. Church the largest membership in Stockton except the Catholic. Second, this church was in a flourishing condition in early days, because there were many Southern and Western families in this vicinity. One by one they migrated to more sparsely settled districts, until few are left.

In January, 1851, this church seems to have been an organization holding services every Sabbath in the Corinthian

building, second floor, west end. Their pastor was C. Gridley, and through his efforts Captain Weber, by a deed of trust, gave them a lot on the corner of Weber avenue and California street; also a parsonage, where their present neat church edifice now stands. Mr. Gridley also succeeded in having a church building erected, at a cost of $6,000. It was finished and dedicated November 2, 1851. The sermon was preached by Dr. Boring, of San Francisco. The pastor failed to raise enough money to pay the entire cost, and two concerts were given at different times in the church, by Madame Biscaccianti and the Alleghanians, from which over $300 were realized.

The South Methodist Sunday School was organized January 25, 1852.

In February, 1852, Rev. A. W. Bailey became the pastor, succeeded in September of the same year by Rev. J. W. Kelly. In 1854 J. W. Blythe was the pastor, succeeded by J. C. Simmons, who is still engaged in the same work. Mr. Simmons remained until 1857, when Rev. O. Fisher took his place. In 1861 Mr. Fisher was again appointed to this charge, and it was he who refused to allow the church bell to be rung July 4, 1861, giving as his reason that it was a desecration of God's house.

Then came Rev. Mr. Burchard in 1864, the Rev. G. W. Flemming in 1870, and in 1871 we find the Rev. Thomas Paul holding forth in the old church, which was unfit for use; yet no effort had been made to have it repaired and cleansed or condemned.

In 1871 Rev. O. P. Fitzgerald, who was at that time State Superintendent of Public Instruction, was appointed to this charge, and in July, 1872, commenced the preliminary work of church building—that of obtaining subscriptions. He had so far succeeded as to call for designs, when the Conference thought it best to transfer him to another part of the State, and he did not have the pleasure of reaping the harvest. The work already begun was carried on by his successor, W. H. Mason, and on the 24th of March, 1873, the Masons laid the corner stone of the new church

with appropriate ceremonies. The exercises were conducted by Alex. Chalmers, who acted as deputy for Grand Master Leonidas E. Pratt, of San Francisco. The exercises opened with music by the band; prayer by Rev. C. V. Anthony, Grand Chaplain. Grand Secretary S. D. Waterman then read a list of articles in the casket, comprising newspapers of the day, names of the officers of the various orders, names of the city and county officers, Constitution and by-laws of the San Joaquin Pioneers, five pieces of the copper coin of the United States, and one silver coin of Mexico. An able oration was then delivered by Rev. C. V. Anthony and Old Hundred was sung by all present, and the benediction was pronounced. The church was dedicated on the 28th of June, the exercises being conducted by Rev. O. P. Fitzgerald, assisted by Rev. E. E. Hoss, of San Francisco, George Simms, of San Jose, Rev. W. H. Finley, of Oregon, and the pastor, W. H. Mason. The building cost about $9,000. Rev. W. H. Finley was pastor for three years. The present pastor is Rev. J. Gruell. The church has a membership of thirty, with the following stewards and trustees: W. McK. Carson, W. S. Buckley, Wm. Bunch, W. F. Cloudsley, W. L. Williams.

CHRISTIAN CHURCH.

The Christian Church dates its organization here at a very early date. On the 24th of August, 1851, twenty-one members of this denomination gathered from all parts of the county, among whom were the Hitchcocks, W. W. Stevenson, John Green and J. W. Smith, and formed themselves into a congregation. They listened to a sermon by Thomas Thompson, of Santa Clara, who was passing through Stockton. Observing Thanksgiving Day, as recommended by the Governor, they held their first regular service in the court house November 27th. Previous to this time they had been holding service at the residences of J. W. Smith and others of the congregation. Meeting at the house of J. D. Green in January, 1852, they elected W. W. Stevenson as elder and Mr. Maxwell as deacon of

the church. The first trustees were Mr. Maxwell, Silas Hitchcock and J. W. Smith. On Washington's birthday, 1852, two young lady converts were born into the Kingdom of Christ by baptism in the stream—the first immersion performed in the San Joaquin valley.

Weber, in 1850, intended to donate a lot to this church, but by some misunderstanding, presuming James Woods to be of the same denomination, he donated the lot to him, and thus the Presbyterians obtained the lot actually intended for others. In August, however, a lot was donated to this church by J. D. Green and wife, Sampson and John Hitchcock. This is the vacant lot just south of the Central M. E. Church. W. W. Stevenson continued preaching in private houses until May 8, 1853, when services were held for the first time in their church.

This building had been used as a store, and had been removed to the lot and fitted up at a cost of $1,250. This building was afterwards destroyed by fire. Their Sunday School was organized to meet in the afternoon of May 8th. They met, with perhaps a dozen scholars. They soon voted to assemble at the house of Johnny Green for worship, he having removed about six miles into the country. We presume this was to accommodate the majority, as most of this congregation were farmers and stock men. They held service here until 1860 without any pastor, when they again met in Stockton and elected a new Board of Trustees, consisting of Wm. C. Miller, Robert W. Miller, W. P. Shaw and Samuel Miller. In September of this year they purchased the Cumberland Presbyterian Church building, on Lindsay street, for $2,000, and met there for the first time September 16, 1860. April 6, 1860, they reorganized with twenty members, and elected officers as follows: Wm. C. Miller and J. H. Tharp as elders; R. Hitchcock and C. P. Crow, deacons, and P. S. Wilkes, Bible class leader. The church held service in this building until 1872, when the property was sold to the German School Association for $2,500. They then purchased the house and lot of the Cumberland Presbyterians, on Sutter

street, for $2,500. They still hold service there. This church has never had any regular pastor, but their services have been conducted either by members of their own church or by pastors from other parts of the state.

FIRST CONGREGATIONAL CHURCH.

A number of Christians, some of whom were members of other churches, desiring to organize a church of the faith of the Pilgrims, met together in the Cumberland Presbyterian Church, September 16, 1865, and organized a new society. On the following day a number of ministers from abroad being present, the Stockton Church was received into the fellowship of churches. They chose Rev. P. G. Buchanan as their pastor, and they held their services in the Cumberland Presbyterian Church for two years.

In the spring of 1868 they sent for the Rev. James A. Daly, of New York. He arrived on May 3, 1868, and preached his first sermon in the City Hall.

On the 30th of July they organized and adopted a constitution for their guidance. This church code provided for the election of trustees, in classes of one, two and three years each. A. G. Brown, Ed. Delano and William Saunders were elected for one year; J. Barstow, R. S. Ellsworth and L. M. Hickman for two years, and J. T. Mills, S. T. Nye and Joseph Adams for three years.

The congregation increased in numbers and a building was next in order, and the committee appointed, purchased the lot between San Joaquin and Sutter streets, on Miner's avenue. The lot, of 50x100, was purchased from Joseph Adams for $1,000, and a building committee was appointed. A neat wooden church was erected at a cost of $7,600. This building was dedicated April 16, 1869. Rev. A. L. Stone, of San Francisco, delivered an eloquent discourse.

While on a visit to New York Mr. Daly resigned, July 24, 1870, and recommended Rev. J. C. Holbrook from that State, a man of mature years and great experience, as his successor. A call was given him and was accepted by him, and word was received March 30, 1873, that he and

his family were on the way to their new home. Dr. Holbrook remained until 1874, when he returned to New York.

Rev. Martin Post received and accepted a call, and became the pastor until July, 1879. In September, 1879, Rev. Mr. Packard became pastor.

CUMBERLAND PRESBYTERIAN.

This denomination when first organized held meetings in the South Methodist church. In 1858 they purchased a lot and erected a church upon it at a cost of $3,200, the lot costing $1,000. This church was dedicated October 24, 1858. In 1860 the property was sold to the Christian Denomination, and the property on Sutter street, known to pioneers as the Crescent City Hotel, was purchased by them. This building was remodeled, and cost, including the lot, nearly $4,000.

In 1861 the Board of Missions sent the Rev. H. C. Cumming here for a pastor. After a few years of struggle and unsuccessful effort to keep alive, the church ceased to exist in 1865.

In the fall of 1868 an attempt was again made to hold regular services of this church. The house was repaired at considerable expense, and opened on the second Sunday in May, 1879. The pastor was S. M. Johnson, who had removed his paper, the Pacific Observer, to Stockton, and published it from the attic of the church.

But the church in this city was dead beyond any resurrection, and the property soon after passed into other hands.

GERMAN REFORMED CHURCH.

As early as 1851, Rev. H. Kroh was sent to this coast as missionary. He came to Stockton in 1852, and in June of that year held services at his own residence. In after years there was occasional preaching in the meeting house east of the court house, but no regular organization of this denomination took place until May 23, 1870. The Rev. Mr. Fox was their first pastor, and he preached to them in the

Christian church on Lindsay street. After this they held service for two years in the City Hall. A lot was then given them by Captain Weber on Miner's avenue, and a building was erected at a cost of $3,000. It was dedicated February 2, 1873, the morning service being conducted in German and the evening in English. The pastors to date have been: F. Fox, J. Wernely, E. Mullhaupt, E. Edmunds and J. Fuendeling. There are 102 members and about 100 Sunday school scholars. The pastor acts as Superintendent of the Sunday school.

GERMAN METHODIST CHURCH.

In 1855 a little band of Germans met and after organizing purchased a lot on Sutter street between Main and Market streets. The church which they erected upon this lot was a small brick edifice and the first German Protestant church on the Pacific coast. The church was dedicated September 23, 1855, at 3 P.M., and the sermon was preached by Rev. M. C. Briggs, of San Francisco.

In 1869 the present wooden building was erected at a cost of $7,000. This building was dedicated August, 1869. There are 53 members, and the Sunday school numbers 50.

CONGREGATION RYHIM AHOOVIM.

This congregation was organized in 1855. Their first synagogue was in Miners' avenue. It cost $3,500, and it was dedicated on Friday, September 7, 1855. The room was filled and services in both English and Hebrew were conducted by Rev. Mr. Ackermann. The building was removed to its present location on Hunter street in 1862. The service is, of course, on Saturdays, and the following Rabbis have officiated: Revs. Vinthen, Shepero, Frank, Lowenthal and Davidson.

There is a school building in the rear of the synagogue belonging to the congregation. The membership of the congregation was 30. In their organization 42 members were admitted, and the first officers were Wm. Kierski, L.

Lewis, E. Simon, M. Stamper, J. Gross and M. Marks.

AFRICAN METHODIST CHURCH.

This church was organized in 1854. In 1855 a little wooden church was erected, dedicated May 20th, by Rev. Mr. Phillips, assisted by the pastor, Rev. Virgil Campbell. The pioneer pastor of this flock, who has long since died, was succeeded by James Fletcher. In 1858 Campbell was again appointed by the conference to reside at Stockton, and in that year they resolved to copy after their Episcopal brethren and build a brick church. By their own labors the wooden church was removed from the lot and the foundation for the brick building was dug.

The corner stone of this building was laid the 11th of March, 1859, by Rev. J. B. Hill. The building was immediately erected at a cost of $1,800. For twenty years they worshipped in this building under the following pastors: Thomas R. Green, 1861; J. H. Hubbard, 1863; E. L. Tappan, 1865; T. R. Green (again), 1869; Jesse Hamilton, 1870; T. R. Green, 1871; J. B. Sanderson, 1872; Jesse Hamilton, 1874; W. N. Offer, 1876; J. H. West, 1868; J. D. Green, the present pastor.

The old church on Commerce street, built on low land, had become damp, unsightly and unhealthy. Successful efforts were made to rebuild the edifice and improve its sanitary conditions. Money was obtained from subscriptions and entertainments, and Mr. Beasley was employed as architect to remodel the building and superintend the work. A neat little church was finished in the Spring of 1880, and it was dedicated May 2, 1880, by Rev. J. D. Coyle, of the Central M. E. church. This church has a membership of 19, with a Sunday school of 28 children led by J. B. Barton as superintendent.

AFRICAN BAPTIST CHURCH.

This church was organized in 1854. They had no house of worship until 1859, when they purchased the pioneer church of the Presbyterians for $800, just $13,200 less than

it cost nine years before. The lot was given by Captain Weber. Their first pastor was Jeremiah King, and from a young man in 1854, he has grown old in the service of this people. He has been absent from his pulpit only once, and during that time the pulpit was supplied by Rev. Samuel Read. They have sixteen members of the church, and over thirty pupils in the Sunday School. In this school two white ladies in the name of Christ and the human family taught continuously for thirteen years; Mrs. True teaching five years, and Miss Stowe eight.

LATTER-DAY SAINTS.

Among those who located in this State were a number of Mormons. Some of that faith having only one wife settled in the vicinity of Mormon Slough and styled themselves "Latter-Day Saints." I find that an Elder of the Mormon Church held service in Stockton, March 24–25, 1852, at the corner of Weber avenue and American street. They had no house of worship, but held their services from time to time in each other's dwelling houses. Their religious views were ridiculed by the lower class of citizens, and they have been somewhat ostracized and persecuted on account of their belief. In July, 1857, a Mormon preacher was addressing a crowd on the corner of Centre and Levee streets, when he was assaulted with eggs and other missiles. The outrage was resented by the audience, hard words were used, pistols were drawn, but a general fight was happily averted by the more peacefully inclined. These meetings were always subject to disturbance. This church though small in numbers has an existence, and occasional services are held in the South Street Schoolhouse.

CHAPTER XXVI.

POST AND RAILROADS.

In the construction of railroads San Joaquin has had a varied experience; an experience that has retarded her growth, injured her financial standing and disgusted her citizens. This condition of things has been caused by mistakes, together with the grasping desire of a local company to receive bonds for a contract never fulfilled.

The Pacific Railroad was an enterprise that was considered feasible and necessary as early as 1848, and the inhabitants then were favorable to the building of the road The subject of railroads was again discussed in 1852, and the expense and policy of running a railroad to Littlejohn creek, a distance of 30 miles, was fully discussed. The plan was opposed by a class of conservatives who saw the ruin of teaming and kindred occupations by the building of a railroad, and this road had an existence on paper only. In February of the same year an agitation was started with reference to a turnpike road. Emigrants were coming by thousands and Sacramento was receiving the greater portion of them. A few enterprising men met for the purpose of devising some means by which the emigrant trail might be diverted from Sacramento to Stockton, the pass over the mountains being over 100 miles nearer to this city than to Sacramento.

David S. Terry was called to the chair and he urged the citizens to action, but his words were of no avail, and Sacramento continued to receive and control the emigrant trains.

In the Spring of 1856 the cry of "Railroad" was again heard and a company was organized as the Stockton and San Francisco R. R. Co. The subscribers to the stock of this company met in May, 1856, and elected the following directors: E. S. Holden, Austin Sperry, F. T. Baldwin, J. M. Scolfield, W. M. Baggs, H. Hickman, C. Grattan, H. Forsman, C. T. Meader, C. A. Potter and Harry Hubbard. Survey plans and specifications were shown by F. J. Byrne

of San Francisco, and arrangements were made to open the subscription books of the company in Europe. The whole project was a failure, and the subject of railroads was not again agitated until 1861. In 1860 copper in immense quantities was discovered in the foothills east of Stockton, and Copperopolis became a town of 8,000 people, as if by magic. Copper was shipped to Stockton by teams and a railroad in that direction was the subject of conversation. In 1862 a company was organized called the Stockton and Copperopolis R. R. Co. In 1863 important measures relating to railroads were being agitated in the Legislature.

On March 24th a bill was passed permitting four counties, including San Joaquin, to issue bonds for the Sonora and Mono Railroad, the bonds of the latter county not to exceed $50,000.

The Western Pacific Railroad Company was organized in 1862 for the purpose of building a railroad from Sacramento to San Jose, a distance of 120 miles.

On the 25th of March, 1862, the Legislature passed an act authorizing San Joaquin county, by a vote of the people, to issue bonds to the Western Pacific Railroad Company to the amount of $250,000. The bonds were issued with the agreement that the road should run through San Joaquin county. The bonds bear interest at the rate of eight per cent. It was made the duty of the Board of Supervisors after 1872 to levy a tax upon all taxable property in the county, not to exceed 25 cents on each $100, for the purpose of paying these bonds.

In April, 1863, a rousing meeting was held in Agricultural Hall and was addressed by Judge Dame and T. G. Phelps. The officers of the meeting were: E. S. Holden, President; H. B. Underhill, Secretary.

On the 12th of May the election took place, and it was one of the most important elections ever held in this county. The citizens were called on to vote away $400,000 in bonds and thus to saddle a heavy debt upon the county.

The excitement was intense. The majorities in the city for the different projects were as follow:

Western Pacific	938
Copperopolis	478
Big Tree Turnpike	935
Mono Turnpike	1,091

The total vote in the city was 1,128.

From the sale of the bonds we now have the Big Tree Road, leading to the far-famed Calaveras Grove.

In 1865 the copper mines had become famous, and in two months' time the Union, Keystone and other mines were turning out more than 6,000 tons of ore per month, and in a single month $33,000 was paid out for freight to Stockton by teams. The question, "Will a railroad to Copperopolis pay?" was again asked. The issue of bonds for the building of this railroad was defeated in the county by four votes. The company was much disappointed in not receiving the subsidy from the county, as they had anticipated, but nothing was done until the immense amount of copper shipped gave the company new life. In 1865 they formed an association with the following officers: E. S. Holden, President; H. H. Hewlett, Vice President; C. T. Meader, Treasurer, and George Gray, Secretary. The company organized with a capital stock of $1,500,000, and the contract to build the road was let to Colonel J. P. Jackson, now one of the editors of the San Francisco Post.

Through the exertions of Dr. E. S. Holden, Congress, in March, 1867, granted to the company 256,000 acres of land to aid them in the completion of the work. In 1869 the company asked the Supervisors for aid, but the Board laid the request on the table for future consideration.

Nothing was done until November, 1870, at which time ten miles of the track were laid, and the Council gave the road the right of way down Weber avenue to the water front, and also gave them permission to erect the Copperopolis Depot. The company, in order to obtain the land grant, built the road to Milton, thirty miles distant. The

first locomotive passed over the road to the water front December 13, 1870. Strong hopes were entertained that Stockton was now to become the second city in the State, but these hopes were shattered by a sham sale, in September, 1871, to the Stockton and Visalia Railroad Company for $400,000. The road soon after this passed into the hands of the Central Pacific Railroad Company, and they are the present owners.

The triumph of the age is the great trans-continental railroad. The Western Pacific Railroad Company, having received bonds from all of the counties, gave the contract for building the road to Charles McLaughlin for $5,400,000. He constructed the road for twenty miles from San Jose and then failed, and the road passed into the hands of Stanford & Co.

In the survey of the Western Pacific Railroad, stakes were driven in El Dorado street and the Council was petitioned for right of way. The Council, however, laid the petition on the table, and there it remains, a monument to the stupidity of the Council.

When Stanford obtained the Western Pacific Railroad he appeared before the Council and asked the right of way, which was refused, and he then built the road on Sacramento street, then outside of the city.

The next year the Council extended the city limits beyond the railroad, and Stanford naturally opposed the change, as it would force the road to pay taxes to the city, a privilege that had been refused him in 1869.

The limits were extended, however, and this fact and the Stockton and Visalia Railroad suits have made the Central Pacific the enemy of Stockton.

On the 8th of May, 1869, the grand work of building the great overland road was finished. The last piece of work connecting New York with San Francisco was the building of the San Joaquin Railroad bridge. This was completed on the 7th of September, 1869.

The Stockton and Visalia Railroad Company was organized for the purpose of building a railroad from Stockton to Visalia, a distance of 160 miles. The company was formed by some of Stockton's best citizens, but time

proved that they were but the cat's-paws of a few sordid minds, who were scheming to rob the city of more than a half million of dollars. The people had made a mistake in their course with the Central Pacific, and Stanford & Co were doing all they could to retard the growth of Stockton. The Central Company were building a road to Visalia to connect with their main line ten miles below Stockton, at a place named Lathrop. The people of Stockton became anxious, and knew not where to turn for relief. When this company of Stockton citizens came to the rescue they were received with great favor; their interests were identical with the interests of the city. But these men, like Judas of old, betrayed their trust for "30 pieces of silver." Having organized their company, they asked for a subsidy to build the road, and in 1870 the Legislature passed an act entitled "An Act to empower the City of Stockton to aid in the construction of the Stockton and Visalia Railroad."

The Common Council were anxious to speed the good work as much as possible, and ordered a special election for April 15, 1870, for the purpose of voting for or against the issuing of $300,000 worth of bonds to aid in building this road. In a total vote of 1,342, only 14 were cast against the measure.

The bonds were issued, bearing interest at 7 per cent., payable in 20 years or less, at the option of the city, said bonds to be delivered on the completion of 15 miles of the road. On July 5, 1870, the right of way was granted to this company, and they were allowed the privilege of selecting any street in the city. They selected Mormon avenue on account of the water front. Everything seems to have been done in good faith up to this time, but a sudden change was made in the plans of the company, and in September, 1871, they purchased the Stockton and Copperopolis Railroad to Peters for $400,000. In July of that year they built a road from Peters to Oakdale, a distance of 20 miles.

In October the Council were requested to deliver the bonds, but they, as a Committee of the Whole, refused to

accept the road or deliver the bonds, and a suit for the bonds was commenced by the company before Judge Booker. Messrs. Manchester and Loutitt, of Stockton, and Messrs. McAllister and Bergin, of San Francisco, pleaded the cause of the people.

This suit involved $500,000—$200,000 from the county and $300,000 from the city—and it was in the courts for over four years. Justice was in favor of the city, and a compromise was effected, the railroad yielding up $300,000 of the bonds and the $200,000 to be paid at some future time, without interest.

The Stockton and Ione Railroad Company was organized by E. S. Holden, who has shown more enterprise in building up the city than any other man except Captain Weber.

This company was organized February 13, 1873, with a capital stock of $1,500,000, for the purpose of building a narrow gauge road to Ione City, in Amador County, a distance of 40 miles. The Directors were E. S. Holden, Dr. A. Clark, J. K. Doak, H. E. Hall, E. R. Stockwell, Geo. Gray, John Wilson, John H. O'Brien and Dr. R. K. Reid. The officers were: E. S. Holden, President; J. K. Doak, Vice-President; E. R. Stockwell, Treasurer; and H. E. Hall, Secretary.

The Council gave them the right of way down Mormon avenue, the contract for building the road was let, a depot and cars were built, two engines were imported from the East, and two miles of track were laid. The contractor failed and a law suit was the result. In the meantime the Central Road had built a road from Galt to Ione. The stock and roadbed of the Stockton Company were sold to pay the employees, and this is the history in brief of the last Stockton enterprise.

CHAPTER XXVII.

SOCIETIES.

The pioneer lodge of Stockton was Gregory Yale Lodge of Masons, which was organized as early as 1850. There

being no Grand Lodge of this State at the time, it was formed under the Grand Lodge of Florida, "under dispensation." The first meeting of the lodge under authority and for the purpose of organizing was held in the law office of Fair & Booker, where the Weber House now stands.

This lodge did not have a permanent existence, as, like all other organizations of that early day, bad men gained admittance, and before two years passed away the good members of the lodge allowed it to die through lack of interest.

In the second session of the Grand Lodge, in May, 1852, a charter was granted to a new lodge, San Joaquin, No. 19, and the following persons were installed as officers of this lodge, May 11, 1852: J. G. Candee, W. M.; F. C. Andrew, S. W.; R. Biven, J. W.; E. W. Colt, Secretary; J. C. Morris, Treasurer; Wm. Hunter, S. D.; B. F. May, J. D.; M. Kierski, Tyler; Rev. James Woods, Chaplain.

The present officers are J. A. Hosmer, W. M.; S. M. Woods, S. W.; W. S. Butler, J. W.; Wm. Graham, Treasurer; Dr. C. A. Ruggles, Secretary.

Morning Star Lodge, No. 68, F. and A. M., was organized December 28, 1855, and in January, 1856, they held their first meeting in a new hall in the third story of the Weber House. The first officers were Lemuel Lyon, W. M.; G. R. Warren, S. W.; E. G. Vaughn, J. W.; J. M. Van Syckle, Treasurer; Wm. H. Gray, Secretary; V. M. Peyton, S. D.; O. C. Gage, J. D.; W. W. Stevenson, M.; E. B. Bateman, H. J. Burckhalter, Stewards.

The present officers are D. L. Campbell, W. M.; E. B. Noble, S. W.; John Yardley, J. W.; T. K. Hook, Treasurer; M. H. Bond, Secretary; J. R. S. Jackson, Tyler.

Soon after the organization of this Lodge R. B. Parker built his present building, and the second story was fitted up for the Masons. They remained here until 1866, when they removed to the third story of the Odd Fellows' building.

STOCKTON CHAPTER NO. 28, R. A. M.

Organized January 8, 1861. The first officers were Robert Porterfield, M. E. H. P.; Fletcher C. Andrew, E. K.; Royal B. Parker, E. S.; James A. Jackson, C. H.; E. D. McDonald, P. S.; L. Kullman, R. A. C.; A. Burkett, M. 3d V.; W. H. Neal, M. 2d V.; C. Carpenter, M. 1st V.; James Littlehale, Secretary; F. Bonacina, Treasurer; C. L. Benedict, General.

The present officers are Isaac Lothrop, H. P.; E. L. Campbell, E. K.; J. A. Hosmer, E. S.; E. R. Hedges, Treasurer; L. E. Lyon, Secretary.

STOCKTON COMMANDERY NO. 8, KNIGHTS TEMPLAR.

Organized March 18, 1877. The first officers were S. H. Fickett, Commander; R. C. Gridley, Senior Warden; J. Littlehale, Junior Warden; A. Burkett, Warden; W. Black, Standard Bearer; D. Deal, Prelate; D. D. Brown, Standard Bearer; J. Littlehale, Recorder pro tem.; A. Burkett, Treasurer pro tem.

The present officers are Alex. Chalmers, Commander; L. Cutting, General; George A. McKenzie, Captain General; J. M. Cavis, Prelate; L. E. Lyon, Senior Warden; T. K. Hook, Junior Warden; F. Stewart, Treasurer; P. B. Fraser, Recorder.

STOCKTON COUNCIL NO. 10, R. AND S. M.

Organized February 8, 1869. The first officers were Wm. H. Davies, G. B. Claiborne, A. Burkett, Frank Stewart, R. W. Stevenson, D. W. Gelwicks, James R. Selden, Wm. T. Browne and S. H. Fickett.

The present officers are E. R. Hedges, T. I. M; A. Chalmers, D. I. M.; Isaac Lothrop, P. C. W.; Wm. Graham, Treasurer; George Tilghman, Recorder; T. K. Hook, C. of G.; George A. Mckenzie, C. of W.; H. C. Shaw, Marshal; Morris H. Bond, Steward; J. R. S. Jackson, Sentinel; J. M. Cavis, Chaplain.

INDEPENDENT ORDER OF ODD FELLOWS.

The first Lodge of Odd Fellows was organized February

WILLIAMS & MOORE

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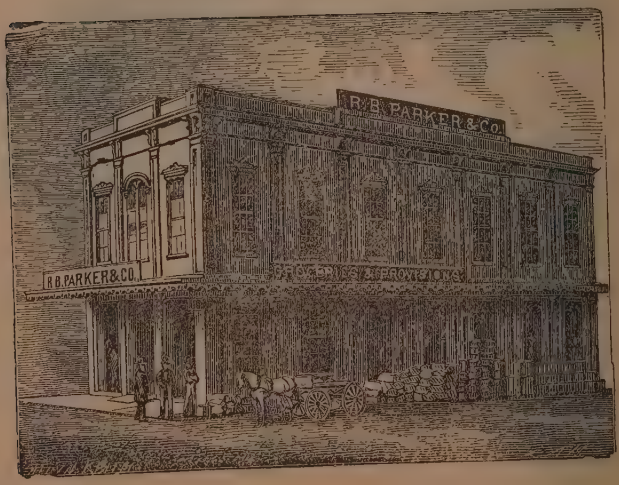
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14, 1852. A number of the order met November 13, 1851, and Past Grand R. K. Chamberlain was chosen Chairman and George H. Buffum, Secretary. At this meeting it was resolved to organize a Lodge at once, in order to extend the principles of relief and fraternity which are the foundation of this noble order.

On February 14th they met and elected the following officers: J. W. Zachariah, N. G.; S. M. McLean, V. G.; George R. Buffum, R. S.; H. Mitchell, Treasurer.

This Lodge was named Charity Lodge No. 6. Its membership during the first six months increased to 150. There being no Grand Lodge in California at this time, the officers could not be installed. S. S. C. Parker, by the Grand Lodge of the United States, at Baltimore, was appointed Deputy District Grand Sire for California, and on July 9th he installed the officers elect of Charity Lodge.

The present officers of the Lodge are: H. P. Jansen, N. G.; Charles Flanner, V. G.; George Hinckley, Con.; A. G. Paine, Warden.

The Grand Lodge of the State was organized May 17th of the following year, and at their first session granted a charter to Stockton Lodge No. 11.

The new Lodge was instituted June 24, 1853, by Past Grand Master E. G. Colt, and the following officers were elected: T. K. Hook, N. G.; C. Grattan, V. G.; Alden Spooner, Secretary; H. Mitchell, Treasurer; E. G. Greenfield, Conductor; J. C. Edwards, R. S. N. G.

The present officers are: W. S. Buckley, N. G.; W. H. Richards, V. G.; H. Nathan, Secretary; R. Gnekow, Treasurer.

In the spring of 1855 a building was erected on El Dorado street, and the Odd Fellows secured the second story of this building for their hall. The hall was dedicated by the Grand Lodge, which held its session in Stockton this year. They remained here until the completion of the Odd Fellows' building, in 1866.

Parker Encampment No. 3 was organized June 10, 1853. The first officers were E. W. Colt, C. P.; M. B. Kenny,

H. P.; W. G. Phelps, S. W.; C. C. Burton, S.; Andrew Wolf, Treasurer; Joseph Fulton, J. W.

The present officers are: John Ducker, C. P.; J. D. McDougal, S. W.; Campbell, H. P.; Dr. C. F. Ray, Scribe; M. Severn, Treasurer.

REBECCA DEGREE—LEBANON LODGE NO 41.

This Lodge was organized in January, 1878. The first officers were A. J. Hyde, N. G.; Mrs. M. A. Thorndike, V. G.; C. T. Rea, Secretary; Mrs. L. L. Bond, Treasurer.

The present officers are Mrs. McCall, N. G.; Mrs. Gumpert, V. G.; Mrs. Howes, Secretary; Mrs. Bond, Treasurer.

Odd Fellows' Hall Association was organized in 1865, and a hall was built and finished in 1866, at a cost of $40,000. It has been the best paying institution in the city, paying quarterly 4½ per cent. free of tax. The stock is mostly owned by the Lodges, and this gives each Lodge a good income, without counting in the dues and initiation fees.

In Stockton Lodges there are over 400 affiliated members, and the Lodges are in a most flourishing condition, financially, socially and intellectually.

TEMPERANCE SOCIETIES.

The "Champions of the Red Cross" claim attention as a secret temperance organization embodying the principles of faith, hope and charity.

The first Lodge in this city was organized in February, 1870—Hope Encampment No. 14.

On the 5th of April, 1870, Harmony Encampment No. 32 was granted a charter, and were in existence two years only.

In 1877 a lodge of the I. O. G. T. was organized, known as Stockton Lodge No. 132, I. O. G. T.

In November, 1877, Ray of Hope Lodge No. 195 was organized.

San Joaquin Lodge was organized in December, 1878.

All of these Lodges have exerted a great influence upon

the community, and the majority of the members are young people, who are thus forming habits of temperance which will influence their whole lives.

The Improved Order of Red Men are represented by two tribes numbering nearly 200 members. Montezuma Tribe, No. 18, was organized June 8, 1869, and Iroquois Tribe, No. 25, was organized July 27, 1870.

The first Knight of Pythias Lodge in Stockton was organized January 27, 1872. It was named Charter Oak Lodge, No. 20, K. of P. The following were the first officers: C. M. Small, P. C.; W. H. Keep, C. C.; W. F. Fletcher, V. C.; Wm. Kierski, P.; W. W. Hatch, M. of E.; Joseph Fyfe, M. of F.; J. H. Barney, Jr., K. of R. and S.; S. Y. Strait, M. A ; C. C. Lyons, I. G.

The present officers are D. A. Berlin, P. C.; Wm. C. Roesch, C. C.; O. C. Jensen, V. C.; J. J. Evans, P.; Jos. Fyfe, K. of R. and S.: D. H. Huffman, M. of F.; C. V. Thompson, M. of E.; Geo. W. Newell, O. G.

Centennial Lodge was organized July 22, 1876, with a very large number of charter members. The first officers were the following: S. G. S. Dunbar, C. C.; Henry Adams, P. C.; J. Salz, V. C.; W. H. Keeler, P.; Charles Grunsky, M. of E.; Frank Stewart, M. of F.; Louis B. Noble, M. of A.; Stanton L. Carter, I. G.; Samuel L. Terry, O. G., the latter named being at present Grand Chancellor of the State.

The present officers are G. W. Melone, P. C.; T. H. Blackman, C. C.; R. A. Ryder, V. C.; C. I. Leach, P.; L. E. Lyons, K. of R. and S.; J. R. Clayes, M. of F.; D, C. Shepherd, M. of C.; Geo. W. Newell, O. G.

Willow Lodge was organized May, 1878. The present officers are E. E. Tucker, P. C.; J. M. McCall, C. C.; F. W. Schmidt, V. C.; Albert Peyser, P.; Leroy Atwood, K. of R. and S.; Frank McGee, M. of F.; Geo. W. Newell, O. G.

Section 175, Endowment, Rank K. of P., was instituted May 30, 1878. This is a Mutual Life Insurance Associa-

tion within the order, and any member of any Lodge K. of P. in this county can become a member.

American Legion of Honor is an organization young in years in this State. Yosemite Lodge, of this city, was organized a few months ago—J. M. LaRue, Commander; M. S. Thresher, Vice-Commander; H. W. Taylor, Orator; E. Lehe, Post Commander; T. H. McCall, Secretary; N. Milner, Collector; Montgomery Baggs, Treasurer; Mrs. J. Alice Williams, Guide; John R. Williams, Chaplain; Mrs. C. J. Haas, Warden; and W. W. Cowell, Sentry.

KNIGHTS OF HONOR.

Organized May 10, 1878. First officers were Alex. Chalmers, Dictator; J. S. Dyak, Vice-Dictator; Geo. S. Evans, Past Dictator; B. B. Baird, Financial Dept.; David Berlin, Rep.; John Hart, Treasurer.

The present officers are John Hart, Dictator; M. L. Abramsky, Vice-Dictator; J. K. Doak, Past Dictator; W. W. Cowell, Assistant Dictator; B. P. Baird, Financial Treasurer; L. W. Williams, Rep.; D. J. Oldham, Treasurer.

HEBREW LADIES' BENEVOLENT SOCIETY.

Organized October 19, 1868, with twenty charter members. It has now about the same number. The property of the society is valued at $800. The first officers were Sarah Frankenheimer, Jeanette Kohlberg, Malvine Kierski, Amelia Kullman, Mary Rosenthal and Barbara Hart.

St. Mary's Total Abstinence and Benevolent Society is an order under the patronage of the church, and was organized in June, 1875. It has 120 members, and has dispensed its charities freely.

Hope Lodge No. 126, Independent Order of B'nai B'rith, was organized in 1869. The present officers are: President, H. Marks; Vice President, M. Caro; Secretary, J. Morris; Treasurer, M. Stamper.

San Joaquin Grove No. 9, Druids, was organized August 15, 1867. The present officers are John Fisk, N. A.; I. F. Adams, V. M.; M. Howinski, Secretary; Henry Myers,

Treasurer; F. Stoetzer, I. F. Adams, Charles Grunsky, Trustees.

Stockton Grove No. 25 was organized March 17, 1874. The present officers are C. L. Ernest, N. A.; C. L. Dyer, V. A.; E. Block, Secretary; D. Rothenbush, Treasurer.

The Ancient Order of Hibernians was organized in October, 1869. They meet in Pioneer Hall. The present officers are Patrick Fee, President; Daniel Dougherty, Vice President; John Burns, Treasurer; Wm. McCarty, Recording Secretary; James Kiernan, Financial Secretary.

ANCIENT ORDER OF UNITED WORKMEN.

A Lodge of Workmen was instituted in Stockton February 27, 1878, and being new, at once became very popular with sensible men, and a large membership is the result. The first officers were E. Delano, P. M. W.; J. R. Williams, M. W.; A. E. Aubrey, G. F.; C. W. Rickey, O.; J. C. Bowden, J. W.; H. S. Robbins, G.; A. M. Cadien, Recorder; Dr. L. E. Cross, R.; A. F. Lochhead, F.; Wm. Crandell, O. U.

The present officers are W. M. Trivett, M. W.; George Lissenden, F.; J. W. Payne, O.; Eugene Lehe, Recorder; H. R. Campbell, Financier; George E. Weller, Receiver; Frank A. Trefron, Guide; Joseph Heinze, J. W.; J. C. Bowden, O. W.; Doctors Thos. Phillips and L. E. Cross, Lodge Physicians; George A. McKenzie, Trustee.

The Irish-American Benevolent Society was organized April 3, 1869, with a membership of forty-eight. The property is valued at $3,000, and they have paid for charitable purposes $2,000. The first officers were T. C. Mallon, President; C. L. Murphy, Vice President; E. W. Powell, Secretary; John Quinn, C. S.; James Darcy, Treasurer.

COMPAGNA ITALIANA DE BERSAGLIERI.

This was organized first in February, 1877, as a military company of sharpshooters, but as business pusuits interfered with drill, they changed the object to that of a benevolent society.

The Stockton Turn Verein was organized in June, 1856. Their first hall was built in 1858. In 1876 the old building was removed and a fine two-story brick was erected, at a cost of $16,000. It is the finest hall in the city, and social gatherings therein are numerous. The present officers are Charles Wagner, President; H. Raab, Vice President; Julius Worth, Secretary; H. E. Stoetzer, Treasurer; M. Howinski, Financial Secretary; F. Stelling, Singing Leader; J. Simon, First Turn Leader.

MUSIC.

Music was taught in the public schools for a time, commencing September, 1859, by Mr. Thomas Wilson. In 1873, Mr. H. J. Todd was appointed teacher of music in the schools, and in 1877 he was succeeded by E. Dreyfous, and he in turn, in 1879, by Professor G. W. Jackson, a thorough musician and first-class teacher.

In 1868, a society named the Philharmonic Society was formed, and continued in existence until after the grand Camilla Urso concert in San Francisco, February, 1870, in which over 1,200 singers took part. Soon after this concert and festival the society disbanded, for want of a conductor.

In 1875, the Stockton Choral Society was organized. It is still in existence, and, with the exception of the Handel and Haydn Society, of San Francisco, is the oldest musical organization in the state. This society has given, in costume, Belshazzar, Lay of the Bell, Pinafore, Doctor of Alcantara, and also Don Munio, as an oratorio. The society have given each season quite a number of public rehearsals, placing the admission at the popular price of twenty-five cents, and their excellent rendering of the music has brought good patronage. The society is incorporated, and owns a Knabe grand piano and $300 worth of music. The present officers are: L. W. Elliott, President; S. D. Waterman, Vice-President; G. E. Ladd, Secretary; G. B. Parker, Treasurer; A. Eckstrom, Librarian; Professor G. W. Jackson, Conductor; W. B. Starbird, Stage Manager.

STOCKTON LIBERAL LEAGUE.

The Stockton Liberal League was organized in February, 1877, under a charter from the National Liberal League. The first and present officers are: G. C. Hyatt, President; Chas. Haas, Vice-President; Freeland Lawrence, Secretary; W. F. Freeman, Treasurer. There are twelve other members. The principal purpose of the various leagues in the United States (of which there are some ninety) is to accomplish the complete secularization of the Sabbath, and to maintain the perfect separation of church and state, and for the taxation of all property.

MEXICAN WAR VETERANS.

In June, 1876, a meeting of Veterans of the Mexican War was called, for the purpose of joining the procession on the 100th anniversary of Independence Day. They formed a permanent organization under the following officers: Frank Stewart, President; Thomas E. Ketchum, Vice-President and Marshal; John H. Webster, Secretary; Frank Stewart, T. E. Ketchum, J. J. Evans, John Canavan, Samuel Catts and Frank W. Moss, Directors. There are eighty-three members, and during the war they served under almost as many commanders.

SAN JOAQUIN SOCIETY OF CALIFORNIA PIONEERS.

This organization was formed in March, 1873, for the purpose of cultivating the social virtues, bestowing charity, collecting historical information, and "to perpetuate the memory of those whose sagacity, energy and enterprise induced them to settle in California, and thus become the founders of a new state." (For list of members see appendix 9.)

STOCKTON MEDICAL SOCIETY.

Organized August 11, 1860, for the purpose of mutual benefit in the science of medicine and the discussion of important and unusual cases of disease. The first officers were: Dr. R. K. Reid, President; Dr. Sposati, Vice-President; H. S. Norcom, Recording and Corresponding

Secretary; Dr. George A. Shurtleff, Treasurer. They meet monthly at each others' residences, and the following are the present officers: Dr. Sargent, of Lodi, President; Dr. Crawford and Dr. Hertell, of Lodi, Vice-Presidents; Dr. Langdon, Secretary and Treasurer; Drs. Stockton, Reid and Luce, Censors.

CALEDONIAN CLUB.

Organized November 26, 1878. It is an organization of Scotchmen and their descendants, joined together for the purpose of sociability and the carrying out of the Scottish games and amusements. The first officers were: Joseph Fyfe, Chief; J. A. Louttit, First Chieftain; J. A. McDougall, Second Chieftain; A. C. McDonell, Third Chief, tain; John Inglis, Fourth Chieftain; Trustees—William Inglis, L. Henderson and A. Gall. The present officers are: Jos. Fyfe, Chief; J. A. Louttit, First Chieftain; John Inglis, Second Chieftain; A. C. McDonell, Third Chieftain; G. S. McStay, Fourth Chieftain; S. P. Crawford, Physician; Trustees—Wm. Inglis, A. Gall, L. Henderson.

LADIES' BENEVOLENT SOCIETY.

This society, as its name indicates, is one of benevolence and charity. The poor are in a measure provided with the necessaries of life, and the society is supported by private subscription, assisted by state and county aid. It was organized May 27, 1868, by the good ladies of Stockton, among whom were Mrs. Stowe, Mrs. T. W. Newell, Mrs. R. B. Lane, Mrs. R. B. Parker, Mrs. Wm. Saunders and Mrs. Mills. In December, 1873, they became an incorporated body, and are still in existence under the management of the following officers: President, Mrs. M. J. Shurtleff; Vice President, Mrs. L. M. Mills; Directors, Mrs. T. W. Newell, Mrs. Mary Clark, Mrs. G. B. Williamson, Mrs. T. S. Thresher, Mrs. M. C. Saunders; Secretary, Mrs. H. S. Browne; Treasurer, Mrs. A. M. Hall; Collectors, Mrs. Nancy Parker, Mrs. P. Miller, Mrs. Hatch, Mrs. E. Slaughter.

NATURAL HISTORY SOCIETY.

In early days Stockton had a few men who were interested in the sciences and who took pleasure in collecting and preserving specimens from Nature's store, and in December, 1856, they met together and formed the above named society by electing Dr. R. K. Reid, President; Dr. E. S. Holden and Dr. W. G. Ryer, Vice Presidents; J. S. Skinner, Corresponding Secretary; C. D. Gibbs, Re, cording Secretary; Nason Walhall, Treasurer, and Messrs. J. M. Buffington, Geo. E. Drew, Charles Grattan, Wm. Lamins, E. R. K. Eastman, Directors.

They obtained a large and valuable collection of mineral, zoological and botanical specimens, and removing them to Agricultural Hall in 1861, they were destroyed by fire and the society dissolved.

MISCELLANEOUS.

The first burying ground of the city was in the block on the south side of Channel street, between San Joaquin and Sutter. In 1851 a block of land in the eastern part of the city was donated for the purpose by Captain Weber. The plat was unsurveyed and without a fence; horses and cattle tramped over the graves and hogs rooted the ground, leaving the coffins exposed.

The people and the press cried out against this condition of things, but the Council took no notice of the desecration of the grounds until 1852, when a fence was built around the block at a cost of $1,500, and in July a sexton was appointed to take care of the grounds and dig the graves.

In the fall of 1851 the Hebrews asked Weber for a lot and received the one they now occupy near the Asylum.

In May, 1854, Weber gave to the Odd Fellows the block adjoining the Hebrew burying ground, and this lot was used by them until 1874.

In March, 1860, a meeting of the citizens was called to provide a new city for the dead. At this meeting six trustees were appointed to serve for one, two and three years. These were B. W. Owens, B. W. Bours, E. S. Holden, Samuel Fisher, V. M. Peyton, and Wm. Biven.

They called on Captain Weber and he donated to them sixty acres of land, and in November Mr. James R. Lowe, of Santa Clara, was employed to plan and lay out the grounds. The grounds are laid out in serpentine style, and the avenues are thirty feet wide, bordered with shade and ornamental trees. The avenues are named after the forest trees.

Near the center of the plot is a place designed for a chapel, and on the east side is a morgue. There are 1,560 lots in the ground, each lot intended for the burial place of twelve persons.

These do not include a number of reserved lots intended for distinguished persons. The place is beautified by plants and flowers, and handsome costly monuments already mark the resting place of the departed.

In this cemetery lie the victims of the terrible explosion of February 22, 1879, when eighteen persons, old and young, lost their lives in a moment of time, through carelessness in running an old steam engine to work a newly invented pump.

CHAPTER XXVIII.

AGRICULTURE.

San Joaquin County is at present one of the largest wheat growing sections in the state, and its interests all depend upon the crops, and to-day thousands of tons of wheat are exported, where in 1845 not a kernel was planted. To the early pioneers the soil was supposed to be of no value except as pasture for the vast herds of animals that roamed over the plains, and the old pioneer writing home to his friends said, "I would not advise you to come, as the climate is too dry to raise any vegetable product." Captain Weber when he purchased the land seemed to have had a far different opinion, and dividing the grant into sections, offered farms to any person who would come here and

locate. A few Mormon settlers came and located at French Camp and planted a crop of wheat in 1847, and soon after left that locality. Joseph Bussel planted wheat here in 1848, but the discovery of gold checked all progress and the men were bound for the mines. John Green and Silas Hitchcock planted a small field of wheat near the railroad track in the northern part of the city in 1849. The next year the population rapidly increased, and Weber still offered farms to those who would live on them, but no, money was easily made, and farming was no object, and farms were given away with but few takers. Land was offered on the Calaveras, where now it cannot be purchased for $120 an acre, so valuable has it become in a few years time. This is probably as rich fertile land as any in the state, and yields from forty to sixty bushels of wheat an acre at the present time, although a crop has been raised yearly for the last twenty-five years. The richness of this land is due to the fact that it is composed of red alluvial soil washed down from the mountains in the spring freshet. These freshets occur yearly, and they are the means of fertilizing the valley and making it productive. At times a large volume of water comes pouring down, and then we have a flood. Since the occupation of the valley by the whites there have been three of these overflows, none of which have done any damage, except that of 1862. The first one of 1852 did no damage, and was of short duration. In 1862 the entire county was two feet under water for two weeks, and it was noticed that a rich sediment was deposited on the soil, from one to three inches in depth. In 1872 only a portion of the city was under water, and floods are now an event of the past, as the city is graded above the highest water ever known. The overflows are a benefit to the soil, and, as they frequently occur on the Calaveras near its banks, they give additional richness to the land. In 1850 flour, potatoes and barley were imported in large quantities from Chile, while under their feet was a wealth in cereals which was in twenty years far to exceed the wealth of the gold mines. Its true value began to develop

in 1851, and some attention was paid to the raising of barley, as that was in great demand to feed the horses and mules that were teaming to the mines. The following year (1852) agriculture was quite a feature, and land increased in value from $5 to $20 an acre. Over 300 farms were taken up at this time, 100 of which had been surveyed. In November of that year, J. E. Nutman, County Assessor, reported that, by donation and sale, 14,000 acres of the Weber grant had been disposed of, and that 3,000 were fenced in and 1,500 under cultivation. The wheat crop for this year was only 5,415 bushels, while the county crop was 101,587 bushels. There was also cut 6,443 tons of hay and 1,625 bushels of oats.

The tule lands were being reclaimed in 1853, and Rough and Ready and Napoleon Gardens were started in that year. In 1854 there were 40,000 acres in cultivation, which produced 1,600,000 bushels of grain, and the cry was raised, what shall we do with our surplus wheat?

In 1860 the trade had begun to turn from mountain to valley. The gold mines had been deserted, and the wheat fields were becoming mines of wealth, as a market had been found for the surplus. Land became worth from $10 to $30 an acre.

In 1856 San Joaquin county was sending wheat to foreign ports, and the steamers could not carry it all away, and tugboats and barges were built. In 1870 the railroad stimulated the interest by cheap transportation, and last year 80,000 tons were stored in this city, awaiting shipment. During the fall large shipments were made daily, Stockton being the grain depot of the valley. Of this large amount, 2,861,580 bushels were raised in this county. The increase of agriculture led to the formation of an agricultural society in 1855, but no interest was taken and it became dormant. In September, 1857, the State Fair was held in Stockton, the executive officers being Wm. Garrard, President; E. S. Holden, Vice-President; George H. Sanderson, Recording Secretary; and P. E. Conner, Treasurer. The Pavilion was on Court House square, and the artesian well was formed into a fountain.

In October, 1857, they brought the society of 1855 to life, and elected officers for the year, and tried to infuse life into the organization.

In January, 1860, the managers of the State Fair voted to continue in Sacramento for all future time. This aroused the spirit of the citizens of San Joaquin, and they resolved to have a fair in their own district that would excel the State Fair. Meetings were held, and in February, 1860, a charter was submitted, and the counties within the district invited to co-operate. The society was organized February 17, 1860, under the name of San Joaquin District Agricultural Society, and officers for the year were elected as follows: Captain John McMullin, President, who resigned in three months, and Dr. E. S. Holden was elected Vice-President. D. J. Staples, Samuel Mason and W. H. Lyons were elected as Vice-Presidents from San Joaquin, and two from each of the following counties: Contra Costa, Calaveras, Tuolumne, Stanislaus, Merced, Mariposa, Fresno and Tulare. The Corresponding Secretary was E. B. Bateman; Recording Secretary, P. E. Conner; Treasurer, Andrew Wolf. An act was passed by the Legislature, and the Supervisors gave them $1,000 and the City Council $500 towards the first fair, which was held August 28, 1860. In May of that year the society purchased sixty acres where the track now stands, and built a fence, stables and a grand stand. During that year, August 13th, Captain Weber deeded sixty acres of land adjoining the track to the city for the use of the society. In 1861, they purchased a lot, and built a pavilion at a cost, for track and building, of $17,000. This expenditure left the society $12,000 in debt, and they could not meet it, and the mortgage was foreclosed. The county, at the sale, bought in the track, and the society purchased it for $2,600. They have received state and county aid, and are now on a solid basis. Since the organization of this society a most decided improvement has been made in stock and the products of the district, and most of this is due to the spirit of emulation

excited by an exhibition of the products of the districts. The society is at present in a prosperous condition, having over $2,000 cash on hand. There are 105 life members. Following are the present officers: President, L. U. Shippee, Stockton; Directors—R. C. Sargent, Woodbridge; H. W. Weaver, Stockton; J. A. Louttit, Stockton; J. A. Shephard, Lathrop; Fred. Arnold, Stockton; J. E. Moore, Stockton; Officers of the Board—Treasurer, A. W. Simpson, Stockton; Secretary, J. M. LaRue, Stockton.

The premiums offered by the society prior to those of last year had been for articles produced in the district. Last year this rule was changed, and all competitors for premiums were admitted. The result was so satisfactory that the rule will be followed hereafter.

In the growth of an agricultural country little villages naturally spring up, and San Joaquin has quite a number of these, where the farmers trade and do business. The oldest of these towns is French Camp, which derives its name from the Frenchman's company there in 1840. The place was settled as early as 1850. The soil is of a sandy nature, and this characteristic suggested an advantage of location superior to Stockton, as teams could travel to and from the mines either in summer or winter. In the fall of 1849 two gentlemen, Messrs. Belding and Atwood, started from Stockton to French Camp, their object being to establish a winter freight depot. Arriving at French Camp, they found deep water and good, high banks. Coming back to Stockton, they so reported, and business men looked to that locality as a shipping point. French Camp slough became important as a navigable stream. Vessels could then reach the landing almost as readily as they can now come to Stockton; but, some years after, the accumulation of sediment closed the mouth of the slough at its junction with the river, and no trace of the entrance to the old channel is now to be seen. The little steamer Game Cock ran to this point in December, 1850; also, the Fairy, a small, fast, stern-wheel boat, with seats upon either side, built especially for passengers. The large

steamers would land at Ragtown, half a mile below French Camp. This tented village is important in history as having been the residence of many of our former citizens. It was a place so called because it was a tent city, and it was known as Ragtown. This point became quite a place, and during the winter months all teams and stages had their rendezvous at French Camp, and passengers and freight were transported by vessels, steamers and whaleboats.

WOODBRIDGE

Is situated on the Mokelumne river, about seventeen miles north of Stockton. Why its founder, M. J. H. Woods, located in the wilderness, such as it then was, is a mystery, unless he thought to establish a trade and build up a town on the Mokelumne in opposition to Stockton. He succeeded in inducing a few people to locate, and in 1851 they were raising grain. It became a stage station to Sacramento, and a bridge was built across the river. The trade to Sutter Creek, Mokelumne Hill and Jackson became important, and as all travel was by way of Woodbridge, it grew to a village of some note, but in 1869 the starting of Lodi ruined its future greatness. The raising of grain was started in 1851 and 1852. Mr. Wm. McKee Corson sent East and purchased a thresher, the first ever seen in the valley. The Sargent brothers purchased one the same year. They charged eighteen cents a bushel for threshing, but as there was not more than 160 acres of grain in a place they lost money. The farming population increased in number, and this brought population to the town until the population numbered about 300. A church society, called the United Brethren in Christ, have an organization, and in 1878 built a neat little church. The Presbyterian denomination have a church, and were organized in 1876. They purchased a school house, and at a cost of $1,000 fitted it up for a church, and service is held on the second Sunday in every month.

There are three lodges of secret associations. Jefferson Lodge, No. 98, I. O. O. F., was organized August 2, 1860.

The lodge own a brick hall and own property amounting in value to $5,000, with a membership of 54. The Masonic Lodge, Woodbridge No. 131, was organized May 10, 1850, with eight charter members. The lodge has 65 members, and property valued at $2,000. An Independent Order of Good Templars was organized in December, 1877, and the Knights of Pythias formed a lodge in November, 1878. Two miles east of Woodbridge is Lodi, the successful rival of the former. This place was started after the advent of the railroad in 1869, and is quite a prominent village, and the largest village in the county. It contains stores, hotels, business places and a flour mill. The Lodi Hall Association have built a fine hall at a cost of $1,600, and in this hall meet all the secret societies.

THE VALLEY REVIEW

Is a weekly paper, published in Lodi by Mrs. Gertie De Force Cluff, sister of Mrs. Laura De Force Gordon, the female lawyer. It is the only paper in the county printed outside of Stockton, and is largely circulated in the Mokelumne and Dry Creek districts. In June, 1858, Mrs. Cluff, who is the only paper editress in the country, believed that a paper could be made to pay in the vicinity of Lodi, and starting on her mission obtained over two hundred subscribers and several columns of advertisements pledged for over a year, in less than three weeks' time. She then purchased the material of the Golden Era, of San Francisco, set up the forms in Lodi, the press work being done in Stockton, and on the 20th of July, 1878, issued her first paper. Success crowned her first efforts, and the following spring she purchased a press and published the paper in Lodi. The paper is an honor to that community, and a new feature in journalism.

In May, 1877, Lodi Lodge of Odd Fellows was formed. A temperance society was formed in October of the same year, and they have 120 members. The Knights of Pythias are represented in Pythagoras Lodge, which was organized February 17, 1877. Many of the Woodbridge

inhabitants have moved to Lodi, as this was more of a flourishing place.

LINDEN.

This is the prettiest village in the county, and it is situated in a large grove cluster of beautiful oaks. The place was first started by the building of a team station, in 1849, and it was called the Fifteen Mile House. In 1854 a flour mill was built by John Doak and N. Burroughs. In 1856 a store was started and other improvements were made, and in 1860 it had grown of sufficient size to have its society hall, a school, hotel, stores and several pretty dwellings. A Methodist Episcopal Church South was organized in 1855, with Rev. J. Taylor as pastor, and in 1857 they erected a church that cost $2,000. June 13, 1861, Scio Lodge of Odd Fellows was formed, with John Wasley as N. G., C. V. Leach as V. G., and J. Smith as Secretary. They had sixty-four members, and property and cash to the amount of $3,000. Valley Lodge, No. 135, was organized July 27, 1865, and is still a large, flourishing lodge. Champion of the Red Cross Society was organized in June, 1870, and they were known as Miriam Lodge, No. 21. The Good Templars were known as Linden Lodge, No. 253, and were organized June 2, 1878. Linden is, perhaps, the most charming spot in the valley to live, and is only thirteen miles from Stockton, over a good road and through a rich section of the county.

LOCKEFORD.

Lockeford, like Woodbridge, is situated on a a road over which there were many travelers to the mines in Amador county, and it is sixteen miles from Stockton, in a forest of oaks. Land was taken up and a settlement was made by E. H. Locke, deceased in 1850. The town was surveyed and laid out, and called, after the founder, Lockeford. In 1865 a brick two-story store was built, and is occupied as the hall of Progressive Lodge, No. 134, I. O. O. F. The first school in the county was taught in a tent, and in 1864 removed to Lockeford. A neat little school

was afterwards built. The town contains a population of 200, and on a Sunday such as are inclined attend the Congregational Church, which was organized March 2, 1862. In 1869, at a cost of $2,800, they built a neat church capable of seating 200, and on a clear Sabbath morning the sound of the bell is heard calling the inhabitants of the quiet village to the house of worship. The Church of Christ was organized in May, 1876, and held religious service in the parlor of the Lockeford Hotel. The Catholics have a branch church in this place, and bought a church edifice at a cost of $1,000, and named it St. Joaquin Church.

FARMINGTON.

This village is on the line of the Stockton and Oakdale Railroad, eighteen miles from Stockton, and is in reality a farming town, as it is surrounded on all sides by large wheat fields. W. B. Stamper began the erection of this town in 1858, and Daniel and William Sanderson erected a hotel and blacksmith shop. A store was started in 1859 by L. J. Morrow and Alex. Horn, and it is still in existence, owned by O. K. Dyke, who is also Postmaster, railroad and telegraph agent for that section of the country. It also contains saloons, blacksmith shops and dwellings, and numbers a population of 200. Religious services are held in a church erected by the Cumberland Presbyterian, in 1876, and the gospel was taught in private houses in 1853. The Methodists, also, have an organization there since 1878, and hold services in the church of their Cumberland Presbyterian brethren. In the vicinity live three old settlers who are well known by all pioneers—N. G. Harrold, owning what is known as the Oregon ranch, and he has been living there since 1851. S. Durham is well known, and he has been a farmer since 1855, purchasing land at $2 50 an acre that is now worth $20 an acre.

COLLEGEVILLE

Is named because of a college having been built there in 1868. It was destroyed in 1874 by fire. This place is

eight miles southeast of Stockton, and contains a few stores and dwellings. The only feature of the place is its being the corner of four public roads. The first settler was a man by the name of Kehoe.

ATLANTA,

In the southeastern portion of the county, 22 miles away, is the location of a store, blacksmith shop and several dwellings. Preaching was heard in this vicinity in 1860 and 1860. A Methodist Church was organized. Revivals of religion have been held at stated periods, and in 1878 they erected a $2,000 church, dedicating the same July 28, 1878. The United Church in Christ was organized in March, 1878, and held service in the Methodist Episcopal Church twice a month. St. Patrick's Church was organized in May, 1877, preaching being held at the residence of Mr. Carroll. May 10, 1878, $1,800 was expended in a church edifice, and in September it was dedicated, a pastor from the Stockton church supplying the pulpit.

Tracy is on the line of the Central Pacific Railroad to the southwest, and is the last station in the county. It is quite a good sized town, and contains societies and churches, the I. O. O. F. Hall being a prominent building. Ellis is another station, and is the junction to Mt. Diablo coal mine. Bantas is named after H. Banta, who was located on this spot long before the railroad was ever thought of, and now it passes his door. In early times this was the last house on the verge of civilization, and persons would travel miles over a sandy plain, on their way to San Jose, before another home would appear; but now that plain is dotted with homes and farms.

LATHROP.

The last village in the county which we will notice is Lathrop, a village created through spite by the Central Pacific Railroad—an example of perseverance on the part of a monopoly, and of indifference on the part of a municipal corporation. Stockton having refused to grant the right of way through the city to the Central Pacific Rail-

road, the company commenced the erection of a large hotel at their station, ten miles south of the city. They laid the land out in blocks and advertised on a certain day sale of such lots to the highest bidder, running a few trains from San Francisco and the surrounding stations. As soon as the hotel was completed it was placed in charge of H. A. Bloss, and from that time to the present the overland trains, which had been stopping in Stockton twenty minutes for meals, now stop at Lathrop. Soon after this they began the construction of a railroad down the valley from Lathrop, this being the Southern Pacific; and they also erected a round house and machine shops in this locality. The Lathrop Hotel is in charge of Major J. A. Shephard, and the town contains a population of probably 600 people, with stores and dwellings, and it also contains a school, society of Odd Fellows, Workmen and other societies, and will increase in size as the population of the valley is augmented by immigration. The subject of reclamation is receiving considerable attention, but in our concluding remarks we may only mention that Staten, Bouldin, Roberts, Union and Sherman islands, all of which are in this county, and which contain some 100,000 acres of rich, fertile land, capable of producing vegetables, fruits and grain, and will eventually become the choice garden spot of the State.

VINE CULTURE.

Countries, as their resources are developed, often change from one industry to that of another of far different variety. The state was developed in the golden age, it prospered in the wheat age, and it will progress in the vine age that is becoming an important product of California. Its importance in this county is fast assuming proportions, and in the opinion of observing minds the day is not far distant when the cultivation of the grape will be one of the most important products of the county. The first vines in the county were planted by Capt. Weber in 1850, on the peninsula. The next year Mr. George and William B. West imported forty different varieties from Boston, and from those vines

have been raised many of the vines now in the county. These two gentlemen devoted their time and attention to horticulture, and have with success been cultivating the grape and fruit trees, and are also the pioneer wine manufacturers of the county. Charles Detten, Henry Myers, and David Rothenbush are also pioneer wine makers and vineyardists of the county. The principal vineyards of the county are El Pinol, owned by George West, and those of William B. West, David Rothenbush, Chas. Detten, Henry Myers, P. Fitzgerald, George S. Ladd, D. Keiver, C. Cobb, Stephen Sanguinetti, Ezra Fisk, F. A. Perley, and J. H. Dodge. El Pinol is the oldest vineyard in the county, and here was manufactured the first wine; monthly shipments of the wine are now being made which compare favorably with that of foreign lands.

MANUFACTURES.

There is no city in California, in the interior, so favorably situated for manufactures as Stockton. Her position on tide water always gives her communication with San Francisco bay, and with a ship canal from Venice the largest vessels could land their cargoes on her wharf. A ship canal is practicable and the future will see it in progress. In 1871 a company was formed called the Stockton Ship Canal Company. A preliminary survey was made to deep water, a place called Venice, by R. S. Alexander. The enterprise was found to be feasible, and the distance in a straight line fifteen miles. But the estimated cost, $3,000,000, at once put a quietus on the grand stimulating project, and nothing more has been said of ship canals. The city has railroad lines which connect her with all other parts of the state, and raw material can be laid at her door. Pure water is plenty and can be obtained in any desired quantity by sinking wells sixty feet deep. An artesian well, sunk in 1855 to a depth of 1000 feet, at a cost of $11,000, is still flowing at the rate of 250 gallons a minute, and conclusively proves that artesian wells can be made available for agricultural and manufacturing purposes. The former fact has again

been demonstrated during the past few years by two gentlemen, Messrs. W. L. Overheiser and George S. Ladd, the latter just having obtained a continuous flow of water from a well 1,000 feet deep, and costing only $2,000.

The natural manufacturing advantages of the city are being developed gradually, and they are assuming considerable importance in the county's prosperity.

Time brings its changes, and manufactures, the most permanent road to wealth in any community, will soon supersede the gold and the wheat periods.

The manufacture of flour was begun in 1852, by Messrs. Sperry & Lyons, in an old wood building on the corner of Commerce and Main streets. In time Mr. Lyons sold his interest to Mr. Alexander Burkett, who, before the partnership, had been employed as miller. The mill increased in business, and Mr. Williard Sperry became a partner. A few years since they purchased the Franklin mill, and removing their machinery have continued to run the mill up to the present time, turning out six hundred barrels of flour per day. The present proprietors are Mr. Austin and Willard Sperry, the former being one of the original owners.

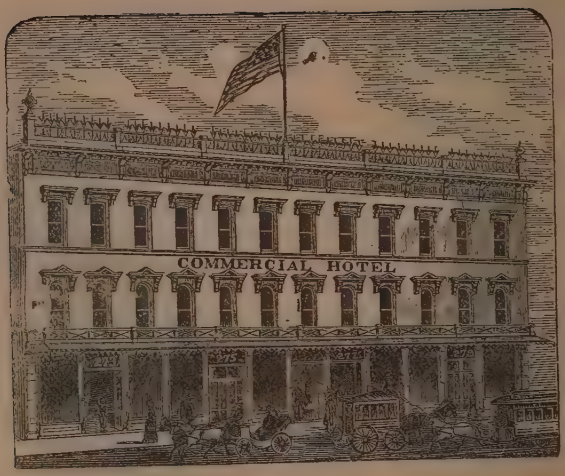
In the following year, 1853, the Franklin mills were built by Calvin Page & Co. It was an immense building for those early days, and cost a large amount of money, expensive machinery being imported from England. The walls of the mill had not been built of sufficient strength to run the engine at full speed, and in 1856 it was closed. Soon after, Daniel Gibbs, of San Francisco, purchased it, but it lay in idleness until its purchase by the Messrs. Sperry, who now have the second largest flour mills in the state.

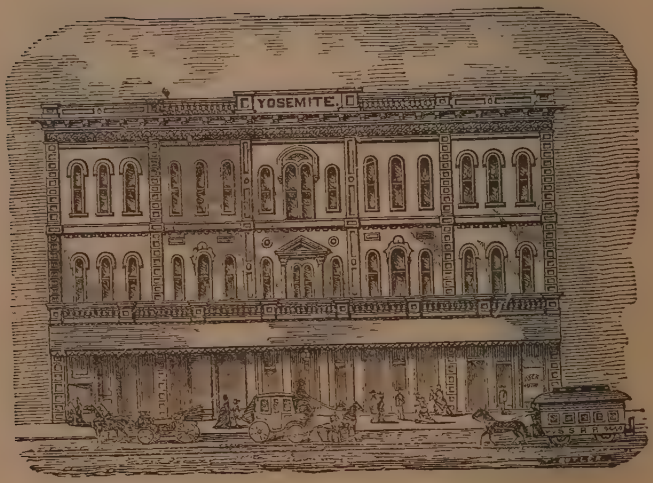
On the south side of the Stockton slough is an old, dilapidated slough that in 1856 was started as a 40-horse power flour mill, and known in commerce as the Union flour mill. Its existence was brief, and now it is the refuge of tramps.

Lane's mills were started in 1855 by Mr. R. B. Lane, on the spot where stood J. M. Buffington's cracker bakery

SPERRY'S FLOURING MILLS
STOCKTON CITY FLOURING MILLS
SPERRY & CO
S PERRYS FLOURING MILLS
SPERRY & CO
LITH. H SCHMIDT & CO. 411 CLAY ST. S.F.

CAPACITY 600 BARRELS DAILY.


COMMERCIAL HOTEL


YOSEMITE

Mr. Lane came to Stockton in an early day, and started a grocery store. But this business did not satisfy his ambition, and in 1880 the state is indebted to him for his persevering industry in starting the Stockton paper mill.

The Stockton barley mill was started in 1854 by T. G. Humphrey and Perry Yaples, on the corner of Main and Stanislaus streets. The mill was used for the grinding of barley only, and two or three years ago was torn down.

TANNERIES.

The large number of cattle here led to the early tanning of hides.

The Pioneer tannery had a small beginning, but is now doing quite an extensive business east of Male Asylum, its present proprietor being H. M. Fanning.

The Pacific tannery, owned by Kullman, Wagner & Saltz, is the largest in the state, This tannery was started on the corner of Oak and El Dorado streets, in 1856, by Jacob Wagner. Then two other tanneries were in existence—one on the north side of Stockton slough, owned by Graham & Stewart, and one on Mormon slough, owned by H. R. Potter. They obtained their bark from live oaks in the vicinity, and were hardly enabled to sell the leather, as there was no demand. The employed altogether but fourteen men. In contrast, the Pacific tannery obtains its tan bark from up the coast by the vessel load. They also employ forty-five men all the year, and tan over fifteen hundred hides a month, sending the leather to all parts of the United States and China.

The manufacture of wagons and carriages is largely carried on, and large numbers are shipped to all parts of the coast. Ten establishments are engaged in this business, the two largest being those of Wm. P. Miller and M.P., Henderson, the latter having erected a large three-story brick building on the site of the old California House. The county being agricultural, large numbers of [illegible]ements are made, and thousands of them are annually imported and sold. The first agricultural implements sold

brought the most fabulous prices. Threshing machines were first imported in 1852, and John Rich is said to have been the first who ran a thresher. Two firms still in business have continued since pioneer days. The H. C. Shaw Plow Company was started in 1849 by Page & Webster. Two years later, the agricultural store now owned by J. H. Condit & Co. was started by Avery & Hewlett, on the site now occupied by the National Gold Bank.

D. C. Matteson, of the firm of Matteson & Williamson, was engaged in the manufacture of gang-plows, reapers, etc., as early as 1856, and he has invented some of the most valuable labor-saving machines in the state, including plows, headers, derrick forks, etc. Headers have also been made by S. B. Bowen, self-feeders to threshing machines by E. J. Marsters, and derrick nets invented by Oscar Marshal and Thomas Powell, the two latter being sons of Stockton pioneers. The aggregate capital invested in this line of business exceeds $500,000 yearly, yet there is a want of more capital.

Stockton has two foundries that yearly turn out a large amount of iron-work. The Globe foundry was started in 1858, and is owned by John Caine. The Stockton foundry is owned by the Harrington brothers and G. C. Hyatt.

An enterprise lately started, through the efforts of Dr. S. H. Fickett, is a furniture factory that is now sending furniture to all parts of the Pacific coast.

A barb-wire factory has been running since 1877, under the management of A. J. Robertson.

A woolen mill has also been in operation for several years on the south bank of Mormon Slough, manufacturing blankets and woolen goods. The mill employs some thirty Chinese, and is owned by Dougherty & Lambert.

CALIFORNIA PAPER MILL.

No enterprise in the State has so revolutionized the manufacturing industries as the starting of the above named mill in 1878, and the entire credit of the establishment is due to the energy and perseverance of Mr. R. B. Lane

He has succeeded in building up an industry that is at present making much of the newspaper used in the State, and will in time supersede allof Eastern importation.

Mr. Lane in 1870 sent East and purchased machinery for making paper, the mill to be run by power from his steam flour mill. The mill was run for a number of years, and it was found that paper could easily be made in Stockton, but to make it a success larger capital and more room were necessary. The mill was closed in 1874, and nothing more was accomplished until 1877. Mr. Lane, however, did not allow his thoughts to sleep, and he interested Messrs. Michael Reese, Nicholas Luning, H. and W. Pierce, E. Judson, A. Dibblee and several other San Francisco capitalists in the enterprise, and in April, 1877, a company was incorporated under the name of the California Paper Company, with a capital stock of $300,000, and with the following officers: President, Egbert Judson; Vice-President, Albert Dibblee; Treasurer, Bank of California; Secretary, Eugene T. Cooper.

A block of land was purchased on Mormon Slough, and the contract for erecting the building and starting the mill let to R. B. Lane, and ground was broken in August, 1877. The building was completed in December following, and by the first of March, 1878, the machinery was all in position ready for work. Since that time improvements have been made, until now over half a million dollars has been expended. There are 85 men constantly employed, and the mill has been run constantly, except Sundays, day and night, up to the present time.

During the year ending June 30, 1880, there were used in the mill 1,373,000 pounds of rags, 766 pounds of old paper and 3,904,000 pounds of straw. The mill produced 1,111,057 pounds of wrapping paper and 2,575,657 pounds of printing paper—in all 3,686,714 pounds of paper. The capacity of the mill is 14,000 pounds of paper daily.

This enterprise is one of the grandest in the State. The Chronicle, Call, Post and Bulletin are partly supplied with paper, the two former alone using over four tons daily. It

is the intention of the company to increase the size of the mill, and it will then be the largest in the United States, and hundreds of thousands of dollars will be saved to the State by this single manufacture.

In the past years probably no country has ever seen a greater change than that which has taken place in California and San Joaquin. Then a few Indian tribes, scattered over the country, were hunting and fishing for a living; wild animals were roaming over the plains from mountain to valley; nature listened to the sighing of only her own voice, and the silent forest slept undisturbed. Now a large city is located on the banks of the stream, and the country is dotted with dwellings; where once grew the wild grass are now, as I write, waving fields of ripening grain, and the threshing machine is pouring out its 1,500 bushels per day. Large orchards of various kinds of juicy fruits are mellowing in the soft sunlight, and two months hence will be selling in the Eastern markets. Homes are counted by the thousands where the family gather around the table, and, with all the refining influences of books, papers, pictures, instruments and games around them, are forming principles of ambition, charity and morality. In the city commerce is extending her branches in every direction, and the steamers and sailing vessels are lying at the wharf loading with tons of freight that are annually shipped. Through the valley runs the locomotive with its long train of cars, and from station to station the traveler is carried on the speed of the wind. And this in thirty years, what of the future?

APPENDIX.

(1.) The name Castoria means beaver settlement, and Captain Weber thought the name appropriate, as the vicinity was literally a beaver settlement. These industrious animals would come from the tules during high water, in the spring of the year, and dig holes in the bank above high-water mark. They would then cut passages into the banks connecting with each other, and there they would rear their young. Numerous evidences of these beaver cuts may be seen along the banks, and in front of Charles M. Creaner's residence they are plainly visible.

(2.) The term slough is a very common expression in California, and the place where Stockton stands was a network of these sloughs. They have now all been filled in, and only in a few places are there any evidences of this work of nature.

The mode of traveling in early times was original and exciting. If a party were traveling a long distance, they would start on their way driving a band of twenty or more horses before them on a gallop. When a horse became tired it was only the work of a few moments to lasso another with a long raw-hide rope and saddle him, turning the tired horse loose with the band. In this way parties have traveled from 75 to 100 miles a day.

(3.) The Indians of the valley had two ways of obtaining their grasshopper food. They would dig large holes in the ground, and fill them with water. Then, forming a large circle half a mile across, buck, squaw and papoose, with brush-wood, would beat the ground, driving the grasshoppers before them to the water-hole, where they would jump in, and were easily caught. Another method was to cut long windrows of grass, and, setting fire to it, drive the grasshoppers into the flames. This method scorched their wings, and they were easily caught. They were then gathered up and laid away for winter use.

(4.) The fate of the Donner party is well known to history, and Donner lake perpetuates the history of that sad event. They were crossing the mountains a few days too late, and they miserably per-

ished. John Nye, of this city, was with that party, but, taking another route, he hurried on for fear of a fall of snow, of which they had been warned, and arrived at his destination (Oregon) in safety.

(5.) An arasta is an old Mexican invention for grinding flour. It consists of two round stones, one upon the other. The lower one is stationary, and the upper one revolves upon it, and is turned by a horse.

(6.) A rodeo is a Mexican term, and means a gathering of stock. Rodeos usually took place in the Spring of the year, and were attended by all the cattle men that were in that section of the country where it took place. On a certain day they would gather at the place selected, and, by an arrangement, would scatter in every direction for a distance of twenty miles, and then start all the cattle towards the rodeo ground by a peculiar yell. The cattle, hearing this strange sound behind them, would start toward the rodeo grounds, and in a few hours hundreds of cattle and horses may be seen, all traveling towards the same spot. They are then driven into corrals, and each man's cattle that has strayed away during the year is found, and the young calves are branded. All stock that is not claimed becomes the property of the person where that rodeo is held. The cattle are again turned loose, and for another year they would not hear the voice of man.

(7.) When the Campo de los Franceses came into the possession of Captain Weber, McLeod lake had been named by the trappers after one of the leaders. By mistake it had been spelt McCloud, when the proper spelling is McLeod.

(8.) The military chieftains who had successfully usurped the government of California had arbitrarily imposed such duties on foreign imports as their avarice or exigency suggested. A few examples will be sufficient to show the spirit and character of these imposts. Unbleached cottons, which cost in the United States six cents a yard, cost in California fifty, and shirting cost seventy-five. Plain knives and forks cost ten dollars a dozen; the cheapest tea three dollars a pound. The duty alone on the coarsest hat, even if made of straw, was three dollars. The revenue derived from these enormous imposts passed into the pockets of a few individuals who had placed themselves, by violence or fraud, at the head of the Government, and had never reached the public in any beneficial form.

LIST OF MEMBERS BELONGING TO PIONEER SOCIETY.

(9.) Joseph Adams, Daniel Adee,* Henry Adams, A.G. Brown, M. H. Bond, B. Howard Brown, Stephen Burgen, A. W. Brush (S. J.), H. Barnhart (S. J.), Abraham B. Bennett, Alexander Beritzhoff, L. Basilio, H. G. Boissellier, C. D. Benjamin (S. J.), N. C. Culver, Thomas

Corcoran (S. J.), Dr. A. Clark, E. W. Colt,* Samuel Catts, L. Chicard, C. M. Creaner, Cornelius Chaplin,* William Colnon, John B. S. Cooper,* M. Caricocoff, Geo. J. Daubney,* Stephen H. Davis, David F. Douglas,* M. J. Drais (S. J.), George S. Evans, H. T. Fanning,* Ezra Fiske (S. J.), Dr. S. H. Fickett, D. W. Fanning, W. H. Fairchild (S. J.). W. F. Freeman, J. H. Fisher, John Gross, Dr. C. Grattan, William Glaskins,* William Gelabert, C. A. L. Grunsky, Charles Grupe, William Graham, John Greer, John Grattan (S. J.), H. Hodgkins (England), W. H. Hall, Henry Hallman, I. D. Hamilton, J. W. Hammond, Joseph Hall, N. S. Harrold (S. J.), J. F. Harrison, T. K. Hook, H. H. Hewlett, J. B. Hall, William Hall, J. B. Jackson, P. F. Jahant, O. P. F. Kallenbach, D. Kettleman, David Kraft, W. Lottman, W. J. Little, (S. J.), Edward Masterson, Isaac Murray,* H. O Mathews, John Murphy,* Jerome Myers, Samuel Myers, (S. J.), S. T. Nye, J. H. O'Brien, H. Ortman,* Edward Oullahan, J. D. Peters, W. H. Post, John Petty,* Francis Rock* (S. J.), Dr. R. K. Reid, Jeremiah Robinson, Alonzo Rhodes, A. Roliand, J. W. Rover, A. Reynolds (Mariposa), B. F. Rogers, Dr. G. A. Shurtleff, Daniel Severy, R. B. Smith, Stephen Starbuck, R. C. Sargent (S. J.), E. R. Stockwell, John Schrack,* Julius Steiny,* C. S. Stevens,* William Saunders, Charles Sedgwick, G. S. Smith (San Francisco), J. J. Simmons (S. J.), W. H. Smith, Austin Sperry, Dr. W. F. Todd, William Tripp, Henry Tinkham, William Tierney, G. W. Trahern, J. H. Tone (S. J.), S. V. Treadway (S. J.), T. B. Taylor, (S. J.), Milo S. Thresher, N. Vizelich, Thomas Von Grunegan, J. N. Van Benshaten, Augustus Vobbe, John Wallace, T. A. Wilson, Septimus Williams, Charles M. Weber, B. Whipple (S. J.), C. F. Whale.

CITY COUNCIL FROM 1850 TO 1880.

Mayor—'50, Samuel Purdy; '51, J. C. Edwards; '52, Wm. Baker; '53, J. K. Shafer;† '53, M. B. Kinney; '54, J. M. Buffington; '55, Alvin N. Fisher; '56, H. W. Gillingham; '57, B. W. Bours; '58, B. W. Bours; '59, E. S. Holden; '60, E. S. Holden; '61, E. S. Holden; '62, E. S. Holden; '63, George Gray; '64, George Gray; '65, George Gray; '66, C. T. Meader; '67, L. M. Hickman; '68, R. B. Lane; '69, L. M. Hickman; '70, George S. Evans; '71, E. S. Holden; '72, T. K. Hook; '73, J. K, Doak; '74, J. K. Doak; '75, F. T. Baldwin; '76, T. B. Buck; '77, T. B. Buck; '78, Charles Belding; '79 and '80, G. C. Hyatt.

President of the Council—'50, W. H. Robinson; '50, H. Green; '51, J. S. Robb; '51, H. W. Willis; '52, B. W. Owens; '53, B. W. Owens; '54, T. J. Meyer; '55, J. M. Vansycle; '56, V. M. Peyton; '57, V. M.

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* Deceased. † Elected January 23, 1863, to fill vacancy caused by the resignation of Wm. Baker.

Peyton; '58, V. M. Peyton; '59, V. M. Peyton; '60, J. P. D. Wilkins; '61, R. B. Parker; '62, B. W. Owens; '63, M. S. Thresher; '63, Charles Belding;* '64, T. J. Keys; '65, L. M. Hickman; '66, T. K. Hook; '67, T. K. Hook; '68, J. M. Kelsey; '69, T. K. Hook; '70, J. M. Kelsey; '71, R. E. Wilhoit; '72, R. E. Wilhoit; '73, Charles Belding; '74, C. Grattan; '75, C. Grattan; '76, J. W. Smith; '77, J. Salz; '78, J. Salz.

ALDERMEN.†

1850 — J. W. Reins, W. H. Robertson, B. Buck, C. M. Weber, H. W. Wallis, Hiram Green, B. F. Whittier, G. A. Shurtleff, H. W. Gillingham, James Warner, S. Knight, J. S. Robb, J. Bartlett.

'51—H. W. Gillingham, G. A. Shurtleff, T. R. Bours, J. M. Hill, John S. Owen, H. W. Wallis, E. W. Colt, H. M. Smith, E. M. Howison, M. Bancroft, M. J. Robertson.

'52—P. Rothenbush, P. E. Jordan, B. W. Owens, C. Grattan, L. S. Freeborn, M. B. Kinney, V. M. Peyton, C. W. Phelps, Asa Simpson, J. W. Carlisle, J. M. Hill,‡ C. A. Ward.‡

'53—J. W. Carlisle, Joel Clayton, P. E. Jordan, A. Lester, B. W. Owens, V. M. Peyton, A. Sperry, James Underhill, William M. Vance, A. Wolf.

'54—William M. Baggs, B. W. Bours, Samuel Fisher, C. P. Greenley, J. C. Morris, W. P. Miller, J. Sarles, J. Fairbanks, Wesley Harris, T. J. Keys.

Aldermen—First Ward—'55—Samuel Fisher, J. M. Lewis, M. Hammond, C. T. Meader.

'56—T. K. Bours, A. C. Baine, H. Hickman, H. Foresman.
'57—O. H. Perry, Samuel Geddes, E. F. Jones, John Dillon.
'58—O. H. Perry, Samuel Geddes, John Dillon, E. F. Jones.
'59—C. T. Meader, S. Starbuck, L. E. Yates, R. B. Parker.
'60—A. B. Raynor, S. Starbuck, Geo. Gray, J. B. Houche.
'61—R. B. Parker, E. I. Keep, H. S. Sargent, C. H. Covell.
'62—A. Sperry, B. W. Owens, R. S. Bates, M. L. Bird.
'63—W. F. McKee, C. J. Belding, J. T. Mills, L. E. Yates.
'64—W. F. McKee, W. W. Hatch, Zenas Fisher, J. T. Mills.
'65—W. W. Hatch, E. Masterson, L. U. Shippee, C. J. Newcomb.

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* Elected to fill vacancy caused by the resignation of M. S. Thresher.

† Prior to the election of May 7, 1855, the Councilmen were elected at large. Subsequently to that time they were elected from the three wards into which the city was then divided.

‡ Elected December 12, 1850.

'66—L. U. Shippee, E. Masterson, W. W. Hatch, J. P. Williamson.
'67—Wm. Dennis, G. C. Devoll, J. W. Hammond.
'68—J. S. Davis, J. H. Webster, P. Neistrath.
'69—Wm. Inglis, Samuel Elliott, E. Moore.
'70—Chas. Belding, Wm. Inglis, J. S. Davis,
'71—J. W. Hammond.
'72—Wm. Inglis, J. S. Davis.
'73—Chas. Belding.
'74—James Brown, H. W. Schmidt.
'75—B. F. Rogers.
'76—James Brown, S. Badger.
'77—A. Gall.
'78—D. J. Oullahan, A. Easton.
'80—A. Gall, W. C. White, A. Parker,

Aldermen—Second Ward—'55—Dr. C. Grattan, Dr. R. K. Reid, Geo. H. Sanderson.
'56—C. Grattan, J. Hart, D. O'dell,
'57—L. F. Shaw, John Miller, H. T. Compton.
'58—John Miller, H. T. Compton, J. E. McKenzie.
'59—J. W. Hart, F. Yost.
'60—J. P. D. Wilkins, Moses Severy, T. S. Strout.
'61—Moses Severy, M. S. Thresher, C. G. Ernest.
'62—M. S. Thresher, J. W. Hart, T. A. Stormbs.
'63—M. S. Thresher, L. Howard, T. Paige.
'64—L. M. Hickman, H. Hodgkins, R. B. Lane.
'65—L. M. Hickman, B. R. Lippincott, T. W. Newell.
'66—H. Hodgkins, M. S. Thresher, Jos. Adams.
'67—Jos. Adams, A. W. Simpson, H. M. Fanning, John Nichols.
'68—J. M. Kelsey, A. Clark, F. Yost, J. Adams.
'69—J. M. Kelsey, Geo. S. Evans, J. B. Webster, H. L. Lambert.
'70—John Sedgwick, J. M. Kelsey, C. S. Eichelberger, J. Nichols, R. E. Wilhoit.
'71—R. B. Lane, R. E. Wilhoit, Carl Sturcke.
'72—H. F. Hubbard, E. E. Thrift.
'73—Fred Yost, B. H. Brown, H. Williams.
'74—E. E. Thrift, C. Grattan.
'75—P. Rohrbacher, J. W. Smith, W. C. Miller.
'76—Wm. Graham, Jacob Salz.
'77—M. H. Bond, S. S. Burge, W. C. Miller.
'78—J. Salz, A. C. Paulsell.
'80—M. H. Bond, T. G. Humphrey, A. Chalmers, H. O. Southward.
Aldermen—Third Ward—'55—J. M. Van Syckle, C. B. Phelps, M. H. Hall.
'56—V. M. Peyton, S. Crosthwaite, J. P. Nash.

'57—A. J. Coburn, J. P. D. Wilkins. V. M. Peyton.
'58—A. J. Coburn, V. M. Peyton, J. P. D. Wilkins.
'59—D. O. Matteson, V. M. Peyton, C. H. Huffman.
'60—C. H. Huffman, T. J. Keys, G. S. Ladd.
'61—H. O. Mathews, T. J. Keys, G. S. Ladd.
'62—J, T. Hickenbotham, Wm. Rice, A. J. Coburn.
'63—A. J. Coburn, Zenas Crowell, Chas. Jones.
'64—T. J. Keys, H. Littlebrant, H. T. Fanning.
'65—Thos. Cunningham, R. Gnekow, I. H. Knowles.
'66—T. K. Hook, Geo. S. Ladd, Chas. G. Hubner.
'67—C. G. Hubner, T. K. Hook, Chas. O. Ivory.
'68—E. Hamlet, E. Hickenbotham, D. G. Humphrey.
'69—T. K. Hook, D. G. Humphrey, C. G. Ernest.
'70—T. B. Buck, T. Cunningham, C. C Chaplain, R. S. Ellsworth
'71—J. C. Gage, J. Robinson.
'72—T. B. Buck, L. L. Creech.
'73—Jas. Edwards, H. Littlebrant.
'74—S. Williams, W. F. Freeman.
'75—L. E. Yates, J. T. Edwards.
'76—L. Sellman, W. F. Freeman.
'77—Geo. E. Weller, C. A. Ruggles.
'78—Wm. S. Fowler, R. Gnekow.
'80—Dr. C. A. Ruggles, J. B. Sears, A. M. Rowe, E. F. Cadle.

CITY CLERK.

1850, A. C. Bradford; '51, A. C. Bradford;* '51, G. B. Claiborne; '52, G. B. Claiborne; '53, Richard Savage; '54, G. R. Warren; '55, G. R. Warren; '56, P. L. Shoaff; '57, P. L. Shoaff; '58, P. L. Shoaff; '59, P. L. Shoaff; '60, T. C. Osborn; '61, T. C. Osborn; '62, T. C. Osborn; '63, T. C. Osborn;† '64, L. E. Yates; '65, L. E. Yates; '66, L. E. Yates; '67, L. E. Yates; '68, Chas. Grunsky; '69, V. M. Peyton; '70, V. M. Peyton; '71, J. W. Scott; '72, J. W. Scott; '73, H. T. Compton; '74, H. T. Compton; '75, H. T. Compton; '76, Julius Steiny; '77, J. Steiny; '78, J. Steiny;‡ '78, '79 and '80, Geo. Tilghman.

CITY TREASURER.

1850, G. D. Brush; '51, Dr. C. A. Ward; '52, B. F. Lee; '53, Geo. Calder; '54, E. G. Vaughn; '56, E. Gove; '57, A. L. Bours; '58, J. W. Rodgers; '59, H. B. Underhill; '60, H. B. Underhill; '61, H. B. Underhill; '62, H. B. Underhill; '63, H. B. Underhill; '64, H. B. Underhill; '65, H. B. Underhill; '66, Jas. Littlehale; '67, Jas. Litltehale; '68, Jas. Littlehale; '69, Jas. Littlehale; '70, Jas.

* Resigned July 18, 1851. G. B. Claiborne appointed to fill vacancy. † Died April 17, 1864. Geo. Tilghman appointed to fill vacancy May 27th. ‡ Died May 24th

Littlehale; '71, Chas. Haas; '72, S. S. C. Parker; '73, Jas. Littlehale; '74, Jas. Littlehale; '75, F. S. Hinds; '76, F. S. Hinds; '77, P. B. Fraser; '78, P. B. Fraser.

MARSHAL AND EX-OFFICIO STREET COMMISSIONER AND TAX COLLECTOR.

1850, W. W. Willoughby;* '50, T. S. Lubbock;† '51, D. S. Clark; '52, D. S. Clark; '53, D. S. Clark; '54, D. S. Clark; '55, W. M. Vance; '56, W. M. Vance; '57, W. M. Vance; '58, J. B. Kennedy; '59, C. C. Terrill; '60, B. F. Sanborn; '61, B. F. Sanborn.

CHIEF OF POLICE.‡

1862, Geo. E. Taber; '63, Geo. E. Taber; '64, Geo. E. Taber; '65, Geo. E. Taber; '66, Jerome Meyers; '67, Jerome Meyers; '68, Jerome Meyers; '69, W. F. Fletcher; '70, W. F. Fletcher; '71, W. F. Fletcher; '72, Geo. Devoll; '73, Jerome Meyers; '74, Jerome Meyers; '75, D. O; Harelson; '76, C. L. Murphy; '77, Jerome Meyers; '78, O. G. Langmaid.

CITY COLLECTOR AND EX-OFFICIO STREET COLLECTOR AND HARBOR MASTER. §

1859, H. W. Gillingham; '60, V. M. Peyton; '61, V. M. Peyton. '62, V. M. Peyton; '63, V. M. Peyton; '64, V. M. Peyton; '65, V. M. Peyton; '66, V. M. Peyton; '67, V. M. Peyton; '69, M. S. Thresher; '70, M. S. Thresher; '71, J. D. P. Wilkins; '72, J. D. P. Wilkins; '73, J. W. Scott; '74, T. C. Mallon; '75, T. C. Mallon; '76, T. C. Mallon; '77, E. S. Eichelberger; '78, A. J. Henderson.

CITY ASSESSOR.

1850, C. J. Edmonson;‖ '50, P. E. Edmonson;¶ '51, James Lynch; '52, J. H. Cills;** '53, J. W.Webster;†† '53, C. O. Burton; '54, V. M. Peyton; '55, W. R. Jefferson; '56, E. M. Howison; '57, Geo. Daubney; '58, W. R. Jefferson; '59, W. R. Jefferson; '60, W. R. Jefferson; '61, T. S. Strout; '62, T. S. Strout; '63, L. H. Blaisdell; '64, L. H. Blaisdell; '65, L. H. Blaisdell; '66, Chas. Belding; '67, Chas. Belding; '68, Chas. Belding; '69, C. Grunsky: '70, Julius Steiny; '71, Julius Steiny;

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* Office declared vacant by unanimous vote December 7th. Cause—Drunkenness and failure to procure bonds.

† Elected December 12, 1850, to fill vacancy.

‡ In 1862 the City Charter was materially modified. The office of Chief of Police was created instead of that of Marshal, without other ex-officio duties.

§ Prior to the creation of the office of Collector the City Marshal collected taxes.

‖ Resigned September 7th, 1850. ¶ Elected September 14th, 1850, to fill vacancy. ** Never qualified. †† Elected January 21st, 1852, to fill vacancy.

'72, Julius Steiny; '73, Julius Steiny; '74, Julius Steiny; '75, Julius Steiny; '76, E. H. Allen; '77, E. H. Allen; '78, I. V. Leffler.

CITY ATTORNEY.*

1850, H. A. Crabb; '51, H. A. Crabb;† '51, M. Endicott; '55, Isaac Baggs;‡ '70, L. W. Elliott; '71, L. W. Elliott; '72, J. A. Louttit; '73, J. A. Louttit; '74, J. A. Louttit; '75, J. A. Louttit; '76, J. A. Louttit; '77, J. A. Louttit; '78, A. Van R. Patterson.

HARBOR MASTER.

1850, F. C. Andrew; '51, Wm. M. Adee; '52, F. C. Andrew; '53, James Horner; '54, John Keeler; '55, E. G. Greenfield; '56, P. E. Jordan; '57, S. Catts; '58, Office abolished.

CITY RECORDER.§

1850, Walter Heron: '50, Chas. Drake; '50, M. Endicott; '51, Wm. F. Nye.

POLICE JUDGE.

1862, A. G. Brown; '63, R. W. Brush; '64, R. W. Brush; '65, R. W. Brush; '66, A. G. Brown; '67, A. G. Brown: '68, R. W. Brush; '69, R. W. Brush; '70, J. M. Long; '71, L. P. Felton; '72, R. W. Brush; '72, A. G. Brown; '73, A. G. Brown; '74, D. Hopkins; '75, D. Hopkins; '76, D. Hopkins; '77, G. E. McStay; '78, D. Hopkins; '79, W. Minta; '80, J. L. Mowbray.

COUNTY OFFICERS.

State Senators—'49, D. F. Douglass;‖ '49, B. F. Lippincott¶; '49, T. L. Vermeule**; '49, N. Taylor††; '49, W. D. Fair;‡‡ '50, T. B. Van Buren;§§ '52, H. A. Crabb;¶¶ '54, Wm. T. McCoun***; '56,

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* April 12, 1852, the new city charter was approved by the governor and the office ceased to exist as an elective one until the amendment was passed by the last legislature, making it again an office elected by popular vote. Meantime the office was filled by appointment by the council, but the record of appointees is defective.

† Resigned September 12. 1851, and M. Endicott was elected October 15th to fill vacancy. ‡ Appointed August 28tb, 1855.

§ In 1852 the office of city recorder, whose duties were those of a magistrate, was abolished by the new city charter. After that time until the creation of the office of police judge by the new city charter of 1862, any justice of the peace had jurisdiction of city criminal cases.

‖ In Assembly, 1855; Secretary of State, June, 1856. ¶In Assembly, 1856. ** Resigned April 10, 1850. †† Seat declared vacant February 18, 1850. ‡‡ Elected to fill vacancy March 2, 1850. His name appears in the journal of the Senate as "W. D. Fairhead," and in other records is accredited to San Jose district. At the regular election for Senator he ran against Thos. B. Van Buren; contested the seat, and lost it. §§Elected October 7th; seat contested by W. D. Fair. ¶¶ Elected at joint election with Contra Costa County. Killed at the massacre of Cavorca, in Sonora, Mexico, in 1856. *** Killed at the massacre of Cavorca, Sonora, Mexico, in 1856.

A. R. Melony;* '58, G. W. Dent ; '60, F. M. Warmcastle; '61, C. H. Chamberlain; '63, Samuel Meyers; '67, J. E. Perley; '68, N. M. Orr;† '71, Geo. S. Evans; '75, Geo. S. Evans; '77, F. M. Brown.‡

Assemblymen—'49, B. F. Moore; '49, D. P. Baldwin; '49, E. B. Bateman;§ '49, I. S. K. Ozier; '49, J. Stewart; '49, C. M. Creaner;‖ '49, R. W. Heath;¶ '49, W. M. Shepherd;** '49, J. C. Moorehead;†† '49, J. T. Stephens;‡‡ '49, J.W.Van Benschoten;§§ '50, F. Yeiser;‖‖ '50, W. C. McDougal¶¶; '51, R. P. Hammond; '51, F. Yeiser; '51, H. A. Crabb; '52, M. J. Halley; '52, F. Yeiser; '52, S. Knight; '53, A. C. Bradford; '53, J. Stemmons; '53, T. J. Keyes; '54, T. J. Keyes; '54, D. F. Douglass; '55, B. G. Weir; '55, J. W. Hunter; '56, Thos. Jenkins; '56, T. J. M. Auld; '57 A. G. Stakes; '57, G. C. Holman; '58, G. C. Holman; '58, Thos. Laspeyre; '59, Thos. Laspeyre; '59, W. L. Campbell; '60, Thos. Laspeyre; '60, L. R. Bradley; '61, John Thompson; '61, S. Meyers; '62, T. J. Keyes; '62, S. Meyers; '63, E. H. Allen; '63, J. E. Perley; '65, C. H. Chamberlain; '65, W. E. Greene; '67, L. J. Morrow; '67, Warner Oliver; '69, J. S. Thurston; '69, C. G. Hubner; '71, R. C. Sargent; '71, F. J. Woodward: '73, Samuel Meyers; '73, A. C. Paulsell; '75, R. C. Sargent; '75, J. Patterson; '75, Martin Lammers; '77, R. C. Sargent; '77, R. B. Thompson; '77, Samuel Meyers.

County Judges—'49, Geo. G. Belt;*** '49, J. R. Reynolds; '50, Benj. Williams; '51, O. C.Emery; '51, W.A.Root;††† '52, O.C. Emery; '52, A. G. Stakes; '53, J. K. Shafer; '57, J. K. Shafer; '61, G. W. Tyler; '63, H. B. Underhill; '67, W. E. Greene; '71, W. E. Greene; '75, W. S. Buckley.

County Sheriffs—'49, J. G. Marshal; '49, S. C. Bunker; '49, E. B. Bateman; '50, R. P. Ashe; '51, R. P. Ashe; '53, Nelson Taylor; '55, George Webster; '57, J. W. O'Neal; '59, J. W. O'Neal; '61, T. K. Hook; '63, T. K. Hook; '65, C. C. Rynerson;‡‡‡ '67, F. Mills; '69, G. H. Castle; '71, T. Cunningham; '73, T. Cunningham; '75, T. Cunningham; '77, T. Cunningham.

County Clerks—'49, S. Haley; '49, C. T. Crane; '49, N. McEachem;

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* Elected atjoint election with Contra Costa county; member of Assembly in 1856 from Contra Costa county. † Elected November 3, 1868. ‡ Joint election with Amador county.

§ Elected to vacancy caused by Stephenson's resignation, March 20, 1850. ‖ Resigned April 2, 1850. Elected District Judge. ¶Resigned February 15, 1850. ** Elected to vacancy March 2, 1850. †† Rsigned April 6, 1850. ‡‡ Resigned March 4, 1850. §§ Resigned February 18, 1850. ‖‖ Elected to vacancy March 20, 1850. ¶¶ Elected October 7th.

*** First record of his signature as Alcalde of Stockton September 20, 1849 October 8, 1849, he signs himself "Judge of the Court of First Instance." ††† Died in September, 1852.

‡‡‡ Collected taxes up to 1865.

'50, A. C. Bradford; '51, A. C. Bradford; '53, G. B. Claiborne; '55, John W. O'Neal; '57, E. M. Howison; '59, E. M. Howison; '61, H. E. Hall; '63, H. E. Hall; '65, H. T. Dorrance; '67, H. T. Dorrance; '69, Aug. Munter; '71, Geo. Tilghman; '73, Geo. Tilghman; '75, John Wasley; '77, H. W. Weaver.

County Recorders—'50, A. A. Mix; '51, G. A. Ward; '53, L. Irelan; '55, Geo. A. Shurtleff; '57, William H. Geddes; '59, William H. Geddes; '61, R. E. Wilhoit; '63, R. E. Wilhoit; '65, R. E. Wilhoit; '67, L. E. Yates; '69, M. W. House; '71, S. S. Burge; '73, C. T. Elliott; '75, Chas. Grunsky; '77, Chas. Grunsky.

County Assessors—'50, B. F. Whittier; '51, J. B. Pittman; '52, J. McNish*; '52, A. H. Brooks; '53, S. A. Hurlbutt†; '55, Thos. S. Strout; '57, H. Grissim; '59, Wm. H. Neal; '61, J. M. Long; '63, W. B. Stamper; '65, Wm. H. Smith;‡ '67, C. H. Covell; '69, C. H. Covell: '71, C. H. Covell; '73, I. V. Leffler;§ '75, C. R. Ralph; '77, C. R. Ralph.

Superintendents of Schools—'55, Wm. G. Canders;‖ '56, E. W. Hager; '57, E. W. Hager; '59, L. C. Van Allen; '61, C. Collins; '63, M. Cottle; '65, M. Cottle; '67, M. Cottle; '69, W. R. Leadbetter; '71, W. R. Leadbetter; '73, T. O. Crawford; '75, S. G. S. Dunbar; '77, S. G. S. Dunbar.

County Treasurers—'50, H. W. Allen; '51, S. H. Brooks; '52, S. H. Brooks; '53, S. H. Brooks; '55, S. H. Brooks; '57, E. F. Jones; '59, M. A. Evans; '61, J. M. Kelsey; '63, J. M. Kelsey; '65, J. M. Kelsey; '67, H. S. Sargent; '69, H. S. Sargent; '71, N. S. Harrold; '73, M. S. Thresher; '75, M. S. Thresher; '77, Fred M. West.

District Attorneys—'49, T. B. Van Buren; '50, S. A. Booker;¶ '50 J. K. Shafer;¶ '51, C. C. Gough; '52, James Anderson**; '52, W. W. Porter; '53, Wm. Robinson; '54, O. L. Bridges; '55, O. L. Bridges; '57, T. T. Bouldin; '59, J. G. Jenkins; '61, H. B. Underhill; '63, J. C. Byers; '65, E. S. Pillsbury; '67, E. S. Pillsbury; '69, W. S. Montgomery; '71, E. S. Pillsbury; '73, A. W. Roysdon; '75, J. A. Hosmer; '77, W. L. Hopkins; '78, J. C. Campbell.

County Surveyors—'50, Walter Herron; '51, J. S. Whiting;†† 52, J. S. Whiting; '53, J. S. Whiting; '55, Geo. E. Drew;‡‡ '57, D. Beau-

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*Appointed by court February 27, 1852. † Resigned September 17, 1855, and Thos. S. Strout appointed to fill balance of term. ‡ Wm. H Smith died. C. H. Covell appointed to fill vacancy. § Never served. Contested with Covell, but failed.

‖ First County School Superintendent elected in 1855.

¶ Elected for Fifth Judicial District. Election first Monday in April, 1850. ** Appointed by court February 12, 1852.

†† Appointed July 25, 1851. ‡‡ Made the first map of county.

mont; '59, D. Beaumont; '61, G. E. Drew; '63, G. E. Drew; '63, H. P. Handy;* '65, E. J. Smith; '67, John Wallace; '69, John Wallace; '71, John Wallace; '73, C. M. Ritter; '75, John C. Reid; '77, H. T. Compton, Jr.

Public Administrators—'50, E. L. B. Brooks; '51, T. S. Manley; '52, T. S. Manley; '53, M. A. Evans; '55, John Haynes; '56, L. Davis: '57, J. W. Smith; '59, H. S. Norcum; '61, Alfred Blake; '63, Chas. Belding; '65, Chas. Belding; '67, Chas. Belding; '69, Chas. Belding; '71, L. E. Lyon; '73, J. Hennessey; '75, L. E. Lyon; '77; T. N. Moore.

Coroners— '50, J. B. Clements; '51, C. P. Grattan; '53, C. P. Grattan; '55, M. H. Bond; '63, M. H. Bond; '65, A. N. Blake; '67; M. H. Bond; '69, M. H. Bond.

Under the New Constitution, the Senator-elect is Dr. Hudson; Assemblymen—L. Leadbetter, H. J. Corcoron; Judges of Superior Court--A. R. Van Paterson and W. J. Buckley ; Sheriff, Thomas Cunningham; County Clerk, H. W. Weaver; County Recorder, Charley Grunsky; County Assessor, C. R. Ralph; Superintendent of Schools, C. M. Kenniston; District Attorney, J. C. Campbell; County Surveyor, Harry J. Compton; Public Administrator, R. Reibenstein. Coroner, C. L. Ring.

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* Appointed November 16, 1863, to fill vacancy of unexpired term to May, 1864, caused by death of Geo. E. Drew. Handy again appointed February 11, 1864, to fill term to March 1, 1866. E. J.Smith appointed to fill vacancy caused by Handy's absconding.